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COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN (CEDAW)

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

Fourth periodic reports of States parties

SPAIN*

* For the initial report submitted by the Government of Spain, see CEDAW/C/5/Add.30 and Add.30/Amend.1; for its consideration by the Committee, see CEDAW/C/SR.89, CEDAW/C/SR.92 and Official Records of the General Assembly, Forty-second Session, Supplement No. 38 (A/42/38) paras. 238-304. For the second periodic report submitted by the Government of Spain, see CEDAW/C/13/Add.19 and Add.19/Amend.1; for its consideration by the Committee, see CEDAW/C/SR.201 and Official Records of the General Assembly, Forty-seventh Session, Supplement No. 38 (A/47/38) paras. 303-373. For the third periodic report submitted by the Government of Spain, see CEDAW/C/ESP/3.

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# I. INTRODUCTION

In accordance with article 18 of the Convention on the Elimination of All Forms of Discrimination against Women, the Government of the Kingdom of Spain hereby submits its fourth periodic report on measures adopted between 1995 and 1998 to give effect to the provisions of the Convention.

The report focuses on information not included in previous reports.

This report has been prepared according to the general guidelines on the form and content of reports. It is organized by article of the Convention and includes, under each article, a description of the relevant legislative reforms and social situation. It also contains supporting statistics and some final conclusions.

The general framework for an analysis of the equality of opportunity between men and women in Spain is provided by the Constitution of 6 December 1978. According to article 1.1 of the Constitution the higher values of the Spanish legal order are liberty, equality, justice and political pluralism.

These values are defined as having a dual legal nature:

(1) On the one hand, they are considered to be general legal principles and, as such to be a basis for the law as established by the Spanish Civil Code. Accordingly, and in the almost unanimous opinion of specialists, they are the guiding principles of the entire legal system. This means that they are of a cross-cutting nature with respect to any provision of Spanish legislation.

(2) On the other hand they are part of that legislation, for they are not mentioned on the preamble to the Constitution but in the actual articles. The interpretation of the Spanish Constitutional Court has been that specific articles of the Constitution have normative force and may even be considered to prevail over prior legislation where there is a conflict between the two.

Although this analysis applies to the issue of equality in general, it must be borne in mind that the argument has implications for the issue of equality of opportunity between men and women. Thus, this equality is viewed as a cross-cutting aspect of the entire legal system and, at the same time, as an underlying assumption in some cases and a new development in others, demonstrating the consistency of Spanish legislation.

However, it should be explained that a definition of the higher values of our legal system is outlined in other Constitutional provisions which, in a sense, give a complete picture of equality of opportunity between men and women.

In this regard, article 9 of the Spanish Constitution makes it incumbent upon the public authorities to ensure equality and, more specifically, article 14 explicitly prohibits, inter alia, gender-based discrimination.

These two provisions and article 10, which concerns the protection of human dignity and inherent human rights, are the basis for all legislative and sociological developments with respect to equality of opportunity between men and women.

The Constitution which includes these substantive provisions also establishes the territorial organization of the Spanish State, which is an important factor in an analysis of the distribution of powers. Article 137 of the Constitution, establishes that Spain is organized territorially into municipalities, provinces and any autonomous communities that may be constituted and that all these bodies shall enjoy self-government for the management of their respective interests. Article 143 states that "in the exercise of the right to self-government recognized in article 2 of the Constitution, bordering provinces with common historic, cultural and economic characteristics, island territories and provinces with historic regional status may accede to self-government and form Autonomous Communities in conformity with the provisions contained in this Title and in the respective Statutes", and article 147 states that "the Statutes shall constitute the basic institutional rules of each Autonomous Community and the State shall recognize and protect them as an integral part of its legal order".

The powers of each autonomous community must be indicated in the Statutes of Autonomy and are set forth in article 148 of the Constitution, while article 149 lists the matters over which the State holds exclusive jurisdiction, including, inter alia, international relations.

Spain ratified the Convention on the Elimination of All Forms of Discrimination against Women in 1983 and, that same year, established the Institute for Women's Issues, which has developed proposals and policies on equality through the Plans of Action for Equal Opportunities for Men and Women.

The Institute for Women's Issues cooperates with the autonomous communities through the Sectoral Women's Conference, which is chaired by the Minister of Labour and Social Affairs (to which the Institute is answerable) and in which the Ministry of Public Administration and the 17 autonomous communities, each with its own mechanisms for equality, participate.

The Institute for Women's Issues has two governing bodies: the Governing Council and the Directorate-General. The Council is made up of representatives of the Ministries of Public Administration, Foreign Affairs, Defence, Industry and Energy, Justice, Agriculture, the Economy and Finance, Education and Culture, the Environment, the Interior, Health and Consumer Affairs and of the Office of the President, and is presided over by the Minister of Labour and Social Affairs. The latter appoints six additional members known for their personal and professional record of work for gender equality.

The Governing Council is responsible for implementing the coordinated policy of the different Ministries concerning women's affairs, considering the objectives to be achieved and approving the annual performance plan, the annual report on management and operation, and the preliminary budget estimates and investments. The Directorate-General is responsible for representing and

running the Institute for Women's Issues and has an organizational structure appropriate to those functions.

The Third Plan of Action for Equal Opportunities, which was adopted on 7 March 1997 and will continue until the year 2000, introduced integrated measures between all State bodies, the autonomous communities and civil society. Equality of opportunity between men and women is viewed from a gender-mainstreaming perspective in which the entire society is involved and given responsibility for achieving equality, thus ensuring that equality is not seen exclusively as a women's problem.

The central themes of the Plan are:

1. The development of specific measures to combat gender-based discrimination and to increase women's participation in all aspects of society.

2. The development of the principle of cross-cutting, which ensures that every activity involves the protection and guarantee of the principle of equal treatment, both in Spain and in comprehensive activities of cooperation with other Governments.

3. Incorporation of a social perspective into Government policies.

These goals are pursued in the context of a changing society and of developments in Europe, bearing in mind Spain's commitment to all the women in other parts of the world who face threats and who do not enjoy the same rights or status as women in our own society.

On the basis of those assumptions, numerous legislative reforms and policies have been introduced during the period covered by this report in order to promote equality of opportunity between men and women. Although the third periodic report was submitted in March 1996, which coincided with elections and therefore with a change of Government in Spain, the information it contained related to the period 1991-1995. The information included in this fourth report cover the period from January 1996 to September 1998. It must be borne in mind that, in addition to legislative and social reforms, there has been a major effort to incorporate a cross-cutting gender perspective into all Government activities during this period.

## II. BACKGROUND

Although some of the information included under this section will be repeated in the detailed analysis of individual articles of the Convention, the purpose here is to provide general information on the current situation of women in Spain, which explains and justifies many of the measures adopted and legislative reforms enacted.

(1) Demographics

In Spain, a Population and Housing Census is carried out every 10 years. According to the most recent census, that of 1991, women make up 51 per cent of the total population and account for the majority of the population over the age of forty; below that age, men are in the majority.

Women are less numerous in rural areas than in urban areas, accounting for 49.78 per cent of the population in the former and 51.57 per cent in the latter.

Most widowed persons are women. There are 1,954,256 widows and 443,119 widowers, the former accounting for 81.52 per cent and the latter for only 18.48 per cent of all widowed persons.

The birth rate continues to decline, as it has done for the past few years. The average number of children per woman has fallen from 1.32 in 1992 to 1.12 in 1998. This decline in the birth rate is most evident among women under the age of 30.

(2) Family life

Women marry at a younger age than men. In fact, the great majority of people who marry under the age of 25 are women, whereas men make up the majority of those who marry above that age.

Since the adoption of the Divorce Act in July 1981, there has been a progressive increase in separation and divorce decrees, and 86.85 per cent of single-parent families are headed by a woman. It must also be borne in mind that the greater the number of children, the more likely it is that a woman has primary responsibility for the family.

Women spend more time on housework than men and have less time for their own needs, study, gainful employment and leisure. Women spend seven times more time on housework per se than do men; in quantitative terms, this amounts to 4 hours, 24 minutes for women and 37 minutes for men.

Despite these statistics, however, there is a trend towards change and, as time passes, women and men are moving closer to an equal distribution of their time. In 1993, there was a considerable increase in men's participation in household tasks and a simultaneous decrease in the differences between the amount of time spent on study and gainful employment by men and women.

(3) Education

Although the report provides more detailed statistics on this topic, generally speaking, 895,200 women and 361,100 men in Spain are illiterate; this corresponds to 71.26 per cent and 28.74 per cent of the total illiterate population, respectively.

However, it should also be noted that the majority of university students are women, although there are variations by type of program at the undergraduate and graduate levels. Thus, women are in the majority in the health sciences

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(67.28 per cent), the humanities (66.89 per cent) and law and social sciences (57.45 per cent) but in the minority in the technical fields (22.66 per cent) and the experimental sciences (48.55 per cent).

Although women make up the majority of university students, they account for only 46.82 per cent of doctoral candidates; they make up the majority (57.48 per cent) of teachers at all levels.

(4) Employment

Despite a recent increase in the number of women on the job market, their participation remains inadequate as compared with that of men.

The female employment rate has risen and is currently at 37.2 per cent; however, this is still 26.18 per cent less than that of men. Many women leave the job market after age 30; it should be noted that the higher the level of education of Spanish women, the higher their rate of employment.

In 1996, the employment rate was 26.22 for women and 52.55 per cent for men; the female employment rate rose by 3.8 per cent in 1997 and 1998. The gap between female and male employment rates is smallest in the service sector, where 80 per cent of Spanish women work; women make up 44.92 per cent and men 55.08 per cent of all workers in this sector.

Among self-employed persons, women are in the majority (58.92 per cent) only in the area of domestic service. Women account for 31.50 of all full-time and 75.16 per cent of part-time workers in this group.

More women work in the public than in the private sector; on average, women earn about 30 per cent less than men.

(5) Health

Women's life expectancy has risen since 1990; according to the most recent statistics, it is 81.03 years as compared to 73.28 years for men.

The most common causes of death among women are circulatory problems (46.21 per cent), tumours (20.52 per cent) and respiratory disease (7.65 per cent).

Approximately 50 per cent of women consume alcohol to some extent, but only 0.2 per cent can be characterized as heavy or excessive drinkers.

Women make up 16.17 per cent of all persons treated for drug addiction; the majority of them (95.35 per cent) are addicted to heroin. Most women admitted to treatment for drug use are between the ages of 20 and 34.

Women account for 18.63 per cent of persons diagnosed with acquired immunodeficiency syndrome (AIDS). This reflects a progressive increase since 1989, when the percentage was 16.38 per cent.

Lastly, women exercise less than men; 14.5 per cent of women and 27.2 per cent of men do so several times per month or per week.

(6) Participation in politics

In all political parties, women make up less than 50 per cent of the membership. Women's participation in political life has been increasing progressively but is still insufficient at the international, State and local levels.

Women account for the majority (50.25 per cent) of civil servants, including teachers, and 44.45 of civil servants other than teachers. It must be borne in mind that at level A, the highest, only 29.48 per cent of employees are women whereas at level D, that of support staff, they account for 52.90 per cent of employees.

(7) Marginalization and abuse

Women receive only 29.56 per cent of all work permits issued to foreigners; however, in the case of foreigners from developing countries, they receive the majority of such permits.

Women make up 10 per cent of the total prison population. Offenses against public health are the most frequently committed by women (57.71 per cent), followed by offenses against public decency (30.82 per cent).

The last few years have seen a progressive increase in complaints of abuse of wives by their husbands. There were 16,378 such complaints in 1996, 18,535 in 1997 and 12,194 between January and August 1998.

Complaints of offences against sexual freedom have also increased during the past few years, reaching 4,860 in 1996, 5,950 in 1997 and 4,178 between January and August 1998.

| | 1996 | 1997 | 1998[a] |
|---|---|---|---|
| Abuse (domestic violence) | 16 378 | 18 535 | 12 194 |
| Complaints of offences against sexual freedom | 4 860 | 5 950 | 4 178 |

[a] Statistics for the period of January to August, exclusive of data for the Basque Country and Gerona.

(8) Social services

Between 1996 and 1998, there was an increase in non-governmental organization (NGO) funding of programmes to promote women's entry into society, employment and self-employment, literacy and education; the comprehensive care of women victims of violence; disease prevention and improved health for women; and dissemination of information concerning, and protection of the exercise of, women's human rights.

During this period, 354 NGOs financed 604 programmes to promote women's entry into society as a whole.

Protection has been provided not only to single-parent families, but also to gypsy and rural women.

Over 100,000 consultations have been provided through a toll-free hotline which functions around the clock.

The Institute for Women's Issues documentation centre has increased its holdings; its catalogue currently includes 13,917 books and reports.

Also worthy of mention is the strengthening of the Comprehensive Plan of Basic Social Services Benefits, which includes projects for, inter alia, the provision of equipment to social services centres, shelters, hostels and information and other services, on the basis of the agreements concluded between the Ministry of Social Affairs, the Autonomous Communities and local communities.

In 1996, 987 projects were financed through the Plan. In 1997, due to increased funding for that purpose in recent years, that number rose to 1,024.

The basic statistics show that during the period covered by this report, there has been a major increase in budgetary, human and material resources to ensure equality of opportunity between men and women in Spain in fulfilment of the commitments made by the Spanish Government and pursuant to the provisions of the Convention. What follows is an analysis of compliance with each of the articles thereof.

## III. MEASURES TAKEN BY THE STATE TO IMPLEMENT THE PROVISIONS OF THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN (1995-1998)

### Article 1. DEFINITION OF DISCRIMINATION AGAINST WOMEN

*For the purposes of the present Convention, the term "discrimination against women" shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.*

The concept of non-discrimination on account of sex is spelled out in article 14 of the Spanish Constitution (Spaniards are equal before the law and may not in any way be discriminated against on account of birth, race, sex, religion, opinion or any other condition or personal or social circumstance) and expanded in other articles of the Constitution concerning fundamental rights and freedoms, such as the right to participate on equal terms in public affairs (article 23), the right to education (article 27), the right to marry on a basis of full legal equality (article 32), the right to employment (article 35), as well as the protection of the family and the social function of motherhood (article 39), the right to health care (article 43), the right to a healthy environment (article 45) and the right to decent housing (article 47).

Moreover, Spain has signed and ratified international instruments that stress and guarantee equality; they include the Convention on the Elimination of All Forms of Discrimination against Women; the Convention on the Rights of the Child; the International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights; the Optional Protocol to the International Covenant on Civil and Political Rights and the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty; the Convention on the Political Rights of Women; the Convention on the Nationality of Married Women; and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

These rights are all protected by law and the Constitution establishes a specific preferential and summary procedure for their protection, which is set forth in article 53.

With regard to the obligation of public institutions to act in accordance with the provisions of the Convention, during the period under review, the powers of autonomous communities in the area of equal opportunities have been maintained and promoted. These communities' machineries for the promotion of equality are part of the Sectoral Women's Conference which, as agreed at the second Sectoral Women's Conference, which was held on 29 October 1996 in Madrid, is responsible, inter alia, for evaluating and following up the commitments entered into at the Fourth World Conference on Women.

Article 2. ELIMINATION OF DISCRIMINATION

*States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:*

*(a) To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle;*

*(b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;*

*(c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;*

*(d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;*

*(e) To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;*

*(f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;*

*(g) To repeal all national penal provisions which constitute discrimination against women.*

As already indicated, the text of the Spanish Constitution specifically provides for the principle of equality and non-discrimination on account of sex; thus it can be said that current Spanish legislation is not discriminatory. Since the preparation of the third periodic report, work has continued on policies designed to promote the equal participation of women in society in terms of rights and equality of opportunity, the aim being to ensure that equality is genuine and not merely a matter of form.

The legislative and other measures taken are as follows:

## I. LEGISLATIVE ASPECTS

In the area of legislation, amendments have been made in the following areas. criminal law, employment legislation, labour legislation, social reforms, including not only reforms that have already been approved but those pending approval.

1. Penal reforms

I. As far as already approved reforms are concerned, the following should be noted:

I.1.1. Progress towards equality through the new Penal Code

The aim of the new Penal Code (Organic Law 10/95 of 23 November), which came into force on 25 May 1996, is to advance towards real and effective equality; this is in keeping with the duty which the Constitution imposes on public authorities.

Although the new Penal Code cannot be considered the best legal instrument for accomplishing this task, it can contribute thereto by introducing safeguards against discriminatory situations.

In addition to norms that provide for specific protection against discriminatory acts, a significant new development in the effort to achieve equality has been the new legislation governing offences against sexual freedom, whose premise is that the legal right protected is not the virtue of women but the sexual freedom of everyone.

The new legislation completely eliminates the violation that was inherent in the concept of a woman's virtue.

I.1.2. Sexual harassment

One of the new provisions introduced in the 1995 Penal Code has been the characterization of sexual harassment as a crime: anyone who solicits sexual favours for themselves or for a third party by taking advantage of their superior status in the workplace, as a teacher, or deriving from a similar relationship, stating or hinting that they might cause harm to the victim in connection with the expectations which the latter may have in the context of that relationship, shall be liable to a term of imprisonment of 12 to 24 weekends or to a sentence of 6 to 12 months for the crime of sexual harassment (article 184).

The new text of article 184 of the Penal Code characterizes sexual harassment as an independent offence provided that a relationship of subordination exists between harasser and victim and provided that there is evidence that rejection by the victim of the harasser's sexual advances would be prejudicial to that relationship.

The fact that a relationship of subordination has to exist between harasser and victim means that the new text of the Penal Code no longer covers the concept of sexual harassment in the workplace, namely, harassment that occurs between colleagues. Complaints of alleged sexual harassment in the workplace can only be lodged as unfair harassment, in cases of verbal offences, or as sexual assault or attack, in cases of physical contact.

Currently, there are few complaints of sexual harassment. The first sentence for sexual harassment was recently handed down (8.27 of April 1998, Barcelona court of first instance).

I.1.3. Prostitution

Crimes relating to prostitution are governed by articles 187 to 194 of the new Penal Code of 1995. Under the new regulation, inducing minors or mentally deficient persons into prostitution, using them as performers in public shows and coercing them by taking advantage of a situation of superiority or need are, for the first time, characterized as offences (arts. 187, 188 and 189).

Moreover, article 191 of the new Code provides that, in order to take legal action in connection with these offences, a complaint must be lodged by the victim, the victim's legal representative or the Ministry of Justice.

The fact that the Ministry of Justice can take action not only in cases relating to the protection of minors or mentally deficient persons but even where the victim is an adult is an important innovation.

I.1.4. Discrimination in employment

The innovation of the new text of the Penal Code of May 1995 is that it characterizes as an offence liable to six months to two years of imprisonment or, alternately, a fine in place of a sentence of 6 to 12 months, serious discrimination in employment on the grounds of opinion, religion, ethnicity, beliefs, race or nationality, gender, sexual orientation, family situation, ill health, disability, avowed legal or trade union representation of workers, being related to other staff members, or use of any of the official languages of the Spanish State (art. 314).

The new text of article 314 gives broader protection to workers of both sexes from possible discrimination at work since it fully covers all situations in which workers could be discriminated against. Nevertheless, the new wording makes the possibility of reporting discrimination contingent upon such discrimination being serious and on the existence of a prior administrative order; this indicates a limitation on the good intentions of the law, since the determination of the seriousness or otherwise of the facts is inevitably based on subjective criteria.

In practice, this article has not been used to hand down any sentences in matters of equality.

I.1.5. Victims of violent crimes

Pursuant to the final provision of the first part of Act 35/1995 of 11 December concerning assistance to victims of violent crimes, the Government adopted the regulations on assistance to victims of violent crimes and of violations of sexual freedom (R.D.738/97 of 23 May) for the development and implementation of the Act.

The regulations cover specific questions provided for by the Act, basically concerning procedures, determination of proportions and sums of money, as well as the membership and functioning of the National Commission on Aid and Assistance to the Victims of Violent Crimes and of Violations of Sexual Freedom; the Institute for Women's Issues is a member of this newly established administrative body that is solely responsible for dealing with any complaints that might be made throughout the country with respect to violent crimes and violations of sexual freedom.

II. The following proposed reforms are currently under consideration:

The Council of Ministers adopted on 10 October 1997 a draft organic law on the reform of title VIII, chapter II of the Penal Code which is still pending in Parliament. The proposed amendments are as follows:

II.1.1. Sexual harassment

A definition of sexual harassment that is broader than the current wording of article 184 is proposed; it includes sexual harassment in the workplace, defined as harassment occurring between persons where there is no superior/subordinate relationship.

II.1.2. Prostitution and trafficking in human beings for the purpose of sexual exploitation

Prostitution is one of the areas affected by the reform of the current Penal Code. As in the case of sexual harassment, article 187 and subsequent articles broaden the definition and introduce new offences. Thus, under the new text, a penalty shall be imposed on any person who induces, promotes or facilitates prostitution of adults, whether or not by trickery, coercion, intimidation, or by taking advantage of the victim's vulnerable position. Where there is a combination of all these circumstances, a heavier penalty is imposed.

Moreover, unlike the previous codes, article 182.2 defines trafficking in human beings for the purpose of sexual exploitation, both within and outside the national territory, as a crime.

Any behaviour intended to persuade minors and mentally deficient persons to enter into prostitution or to continue practising it, shall result in a heavier penalty. Moreover, the reproduction, sale, distribution, exhibition or possession of pornographic material, as well as the existence of shows where such minors are made to perform are punishable offences since they violate the decency of such minors.

Lastly, articles 188 bis 1 and 189 bis 2 define what is considered, within the meaning of title VIII, as acts of prostitution and acts of corruption. Thus, acts of prostitution are sexual acts carried out indiscriminately with one or more persons for a consideration or other types of remuneration or promise of economic gain. Acts of corruption are acts intended to introduce minors or mentally deficient persons at an early age to sexual activity and sexual acts, the intensity, persistence or continuity of which is likely to change the normal development of their personality.

In addition to the draft law adopted by the Council of Ministers, attention is drawn, with regard to the protection of the victims of abuse, to the preliminary draft of the organic law on the reform of the Criminal Code and the Code of Criminal Procedure, currently at the proposal phase. The purpose of the amendments is to ensure that procedural and substantive criminal law addresses instances of domestic violence and takes into account the needs of the victims of such violence. The following are the amendments proposed under the preliminary draft:

Restraining order on the perpetrator as a penalty and precautionary measure

In addition to the provision of the Penal Code that bars the perpetrator from residing in or approaching specific areas, the preliminary draft expressly prohibits the perpetrator from approaching the victim in or outside her or his home for the duration of the sentence. Apart from depriving the perpetrator of his or her rights, this measure is also an accessory penalty for violent offences (art. 57 of the Penal Code).

Article 13 of the Code of Criminal Procedure concerning the preliminary steps that a judge may take when he or she has knowledge of the commission of an offence is also to be amended to provide for the issuance of a restraining order as a precautionary measure. A new article - 544 bis - thus provides for a restraining order on those released on bail.

Mental abuse in the context of the offence of abuse

It is proposed that the current text of article 153 of the Penal Code (domestic violence), which covers only physical abuse, should be amended to include mental abuse.

Criteria for matching the penalties with the needs of the victims

It is proposed to amend articles 617 and 620 of the Penal Code in order to provide for mechanisms to ensure that the penalties imposed on perpetrators reflect the economic damage that their actions cause to the victims.

Official prosecution of the offence of ill-treatment

Articles 620 of the Penal Code and 104 of the Code of Criminal Procedure are amended to reflect the fact that the offence of ill-treatment shall be officially prosecuted.

2. Legislation on employment

2.1 Act No. 64/1997 of 26 December 1997

This Act regulates incentives in the field of social security and tax incentives in order to promote hiring for indefinite periods and job stability, repeals the Act of 30 July 1992 on urgent measures, except for transitional provision No. 2, and encourages the hiring for indefinite periods of women who have been unemployed for a long time in occupations and trades in which women are under-represented. In accordance with this objective, we are carrying out a legislative reform which favours the employment of women by promoting their integration into the workforce. While this is not a reform that is specifically directed against discrimination, it should be understood that, inasmuch as it promotes employment, it fosters equality of opportunities between men and women and, therefore, has been included in this section.

The text of the reform law establishes, among other measures, the following:

Article 3.1 Contracts initially concluded for an indefinite period in accordance with the current regulation shall grant entitlement, while they are in effect, to the following rebates on the social security contributions paid by employers for shared contingencies according to the groups affected (...).

(b) In the case of unemployed persons under 30 years of age who are registered with the Employment Office, the rebate shall be 40 per cent for a period of 24 months after being hired.

When such hiring involves women in order to provide services in occupations or trades in which women are under-represented, the rebate shall be 60 per cent for a period of 24 months after they have been hired.

Article 3.2 The conversion of temporary contracts and fixed-term contracts into contracts for indefinite periods shall grant entitlement, while they are in effect, to the following rebates on the social security contributions paid by employers for shared contingencies:

(a) (...) when conversion involves women who provide services in activities or trades in which they are under-represented or whose contracts are converted into indefinite ones in order to provide services in such activities or trades the rebate shall be 60 per cent during the 24 months following conversion.

In order to identify the occupations and trades in which women are under-represented, the Order of 16 September 1998 was approved to promote stable employment for women in occupations and professions where there is a smaller proportion of employed women, identifying those that are excluded from the incentives indicated in Act No. 64/1997 of 26 December (article 3 (a)).

The Order of 10 September 1998 was also adopted in order to promote the hiring of women for indefinite periods in professions and occupations in which there is a smaller proportion of women. Its purpose is to identify the

occupations and trades in which women have a low rate of employment in order to apply the rebates provided for under the labour reform to the hiring of women in such occupations:

Sixty per cent of the social security contributions paid by employers for common contingencies, both with regard to initial hiring as well as the conversion of temporary contracts into indefinite ones (article 3, paragraphs 1 and 2, of Act No. 64/1997).

Fiscal incentives: women who are hired in these professions are not considered salaried workers for the purpose of determining net earnings from the activities to which they are applicable and for which the procedure based on the use of indexes, rates or patterns in the method for objectively estimating the income tax of individuals has not been waived (article 3.3 of Act No. 64/1997).

2.2 Part-time hiring

In the same way, the situation with regard to part-time work directly affecting women has been reviewed. The reform in this field aims to put part-time contracts with shifts shorter than 12 hours per week or 48 hours per month on an equal footing with the general system of benefits. This objective has been laid down in Royal Decree Law No. 8/1997 of 16 May, which determines the period for adopting the necessary provisions that make coverage for all contingencies effective for these workers.

Royal Decree No. 489/1998 of 27 March further develops Act No. 63/1997 of 26 December in the field of social security with regard to part-time contracts and modifies other aspects of the legal regime applying to part-time workers. Among other measures, article 2 recognizes the right of persons hired on a part-time basis to maternity benefits.

While this is not a regulation which specifically refers to non-discrimination, the measures that it establishes are designed to facilitate the integration and, in other cases, the retention of women in the labour market, which entails a clear policy favouring equality of opportunities.

2.3 Rebates on social security payments

Royal Decree Law No. 11/1998 of 4 September has been adopted and regulates rebates on social security payments in respect of temporary contracts concluded with unemployed persons in order to replace workers during periods of leave for maternity, adoption and fosterage.

The objective is to promote equality of opportunity between men and women with regard to access to employment and encourage enterprises to hire women, while at the same time protecting maternity.

In order to ensure that employers do not regard maternity as a handicap lessening an enterprise's efficiency, incentives are provided in respect of contracts to replace workers who are absent in order to care for children. In this connection, a measure called "zero cost" has been adopted. It exempts

enterprises which conclude contracts with persons to whom guidelines 1 and 2 apply, to replace workers during periods of maternity or adoption leave, from the payment of employer contributions to social security.

2.4 National Vocational Training and Employment Plan (FIP Plan)

Under the agreement of 13 March 1998, the Council of Ministers adopted the new Vocational Training Programme, which is basically designed to consolidate an integrated vocational training system consisting of three parts: initial, occupational and ongoing vocational training.

The Programme constitutes a basic part of the active policies aimed at promoting stable employment, the professional and social advancement of instructors and trainees, and the development of the human resources of enterprises.

The objectives of vocational training explicitly include measures to provide such training to groups requiring it in accordance with the principle of equality of treatment and opportunities in the labour market, with specific reference to women. The same is to be said of ongoing training, whose measures include increased participation in the training initiatives of groups of workers subject to greater risk of job instability or exclusion from employment, which include women.

2.5 Action Plan for Employment

The Spanish Government recently adopted, on 15 April 1998, the Action Plan for Employment in accordance with the commitments undertaken at the Luxembourg Summit Meeting, held on 20 and 21 November 1997. The Plan includes key component IV, which is exclusively designed to strengthen policies for ensuring equality of opportunities, and there is a proposal to incorporate the principle of mainstreaming into all the other key components, which contain various proposals relating to employment.

The Plan includes legislative reforms and political action programmes. We have referred to some of these reforms in earlier sections and the remaining ones will be explained in detail in considering the Convention's other articles.

3. Labour legislation

With regard to the information provided in the previous report concerning various labour regulations adopted during the period under review in that report (Act No. 8/1992 of 30 April on the amendment of the Workers' Statute and the Act on Measures for the Reform of the Public Administration with regard to leave; Act No. 11/1994 of 19 May, which amends article 28 of the Workers' Statute; Act No. 4/1995 of 23 March on the regulation of parental and maternity leave; the new, revised text of the Workers' Statute Act, adopted by Royal Legislative Decree No. 1/1995 of 24 March), it should be pointed out that the work of further developing these regulations has continued. In specific terms, we can provide the following information.

With regard to family and professional responsibilities, the preliminary draft of the Act on measures to reconcile the professional and family responsibilities of workers has been drawn up and is designed to adapt Spanish legislation to Community guidelines No. 96/34 on parental leave and No. 92/85 of 19 October 1992 on health and safety in work carried out by pregnant women and to eliminate discrimination in the hiring of women and protect the social function of maternity.

The basic aim of the proposed reform is to enable workers of both sexes to reconcile their professional and family lives. In addition, it seeks to take into account the premise set forth in Council guideline No. 96/34, that parental leave should be regarded as the individual right of every worker.

With regard to the protection of maternity, it should be pointed out that the social function of maternity is recognized constitutionally in Spain under article 32 of our Constitution.

In addition to the reforms indicated, consideration has also been given to the right to maternity benefits for persons hired on a part-time basis.

Furthermore, community legislation, which is immediately applicable in Spain, specifically prohibits dismissal for requesting or receiving maternity or parental leave, except for unrelated, non-discriminatory reasons.

The said reforms, which are included in the preliminary draft of the Act on incentive measures to reconcile the professional and family responsibilities of workers, have amended the Act on prevention of labour risks (Act No. 3/1995 of 8 November) by providing for a declaration of labour disability when a pregnant woman works at a job that could adversely affect her health or that of her unborn child and when the enterprise is unable to offer her a position that is compatible with her pregnancy, and also by specifically prohibiting dismissal.

4. Social legislation

Act No. 66/1997, of 30 December, on fiscal, administrative and social measures has been adopted. Article 47 of the Act amends the General Social Security Act by establishing the conditions for receiving unemployment, temporary disability and maternity benefits.

In addition, there are two other provisions which, under the equality and non-discrimination regime, establish the conditions for receiving widows and orphans pensions. Specifically, articles 174 and 175 of the General Act lay down the minimum contribution period required in order to receive such pensions.

It should also be pointed out that, under article 42 of Act No. 65/1997, of 30 December, on the General Budgets for 1998, and Royal Decree No. 4/1998, of 9 January, on the revaluation of social security system pensions for 1998, the minimum widow's pension for women under 60 years of age is gradually being equalized with the amounts set for beneficiaries between 60 and 64 years of age, provided that they have dependents and that their income does not exceed the ceiling established each year under the State General Budgets Act for approving minimum supplementary payments.

In the case of orphans' pensions, favourable changes have been introduced with regard to the requirements for receiving such pensions, in respect of age and the amounts concerned.

## II. OTHER ASPECTS

In addition to the legislative area per se, the Spanish Government has approved measures aimed at fulfilling the provisions contained in the subparagraphs of article 2 of the Convention.

Firstly, in terms of employment, the plan that has been adopted in Spain includes, inter alia, two key measures to combat discrimination between men and women:

(1) Giving priority to training activities for women, especially for professions in which they are under-represented;

(2) Providing economic incentives for hiring women on indefinite contracts in professions and posts in which they are under-represented, and reviewing the concept so as to promote women's entry into the labour market.

Also, on 7 March 1998 the Spanish Government approved the Third Plan of Action for Equal Opportunities for Men and Women which has as one of its priorities the promotion of positive action towards effective job diversification and the advancement of women in companies, trade unions and public administration.

To make the plan effective, the Institute for Women's Issues is looking at a number of objectives within the employment programme. Of these, the following are of particular note: improving women's employability; boosting entrepreneurial activity amongst women; raising the numbers of women employed in companies and the levels at which they are employed; collaborating with public bodies and non-governmental organizations to implement programmes to improve women's access to the labour market and to keep them there; providing technical support for projects under the Employment-NOW Initiatives and disseminating and publicizing resources and experience with a view to raising awareness in society about equal opportunities for men and women in the labour market.

Specific activities had been carried out to achieve the above objectives, including vocational training courses, appeals for financial assistance to strengthen business projects for women, business training courses, development of the OPTIMA programme, establishing a Centre for Women Working at Home and many others called for under the Third Plan of Action.

Domestic violence is another area where steps have been taken to end discrimination against women. The causes of violence are both structural and situational and obviously we are not going to go into them here. However, it should be pointed out that, according to the studies carried out thus far, it has become apparent that this kind of violence is especially prevalent where there is poverty. The rate is linked to unemployment, alcoholism and drug addiction.

Perhaps the most important advance has been that, generally speaking, abuse of or violence against women is no longer viewed as just a personal problem or a problem affecting the couple, but also, and fundamentally, as a social problem, and therefore society and the institutions that represent it are obliged to intervene.

In this connection, the Third Plan of Action for Equal of Opportunities for Women and Men has a component that deals exclusively with combating violence. In September 1997, the Sectoral Women's Conference agreed to hold an Extraordinary Sectoral Conference on Violence; the Conference was held that November and reached an agreement to develop a plan of action on violence against women by late March or early April 1998. In the interim, the Council of Ministers approved, in January 1998, a series of urgent measures to deal with the issue.

The Government, aware of the need for society, in general, and public institutions, in particular, to look for solutions to the problem and come up with specific answers, and with a view to implementing the agreements reached at the aforementioned Extraordinary Conference, issued the Plan of Action against Domestic Violence on 30 April 1998.

With the Institute for Women's Issues of the Ministry of Labour and Social Affairs coordinating, the Departments of Education and Culture, the Interior, Justice, and Health and Consumer Affairs participated actively. The autonomous communities, acting through their equality organs, sent proposals that were studied and debated in working groups made up of representatives of the autonomous communities of Andalusia, Madrid, Castilla y Leon, the Basque Country, Asturias, Murcia, Catalonia and the Institute for Women's Issues.

Copy was also provided to the members of the Institute's Governing Council and the non-governmental organizations that are carrying out projects relating to violence against women.

The Plan has six main parts:

1. Awareness-raising/prevention. The objective is for Spanish society to become aware of how serious the problem is and to inculcate the values of non-violence in order to prevent violence.

2. Education and training. The intention is to provide education in which the values of tolerance, respect, peace and equality are paramount.

3. Social resources. The actions included in this section of the Plan are aimed at setting up an infrastructure capable of meeting victims' needs.

4. Health. The proposal is to adopt and promulgate a health protocol as an integral response to victims' health problems and to make violence prevention measures part of primary health-care services, within the overall context of the programme of preventive activities and health promotion.

5. Legislation and judicial practice. In terms of legislation, consideration is being given to the possibility of amending some articles of the

Penal Code and the procedural legislation and introducing restraining orders in order to protect victims. In terms of judicial practice, the Plan includes measures to speed up and improve proceedings; develop in-service training for prosecutors specializing in this area; urge the Procurator to be more decisive in looking for evidence and following up on sentencing; computerize records so that the various courts can obtain information about any previous complaints; develop a protocol for collaboration and coordination between the various bodies involved; urge the Attorney-General to include a section in his annual report specifically about violence against women; increase the numbers of forensic physicians both male and female; and improve legal assistance for the victims of abuse.

6. Investigation. Some of the actions provided for in the Plan of Action against Domestic Violence are aimed at increasing our knowledge about acts of violence against women in our country.

With this Plan, the Government is aiming to respond to the situation of violence which many women suffer and to the social need to which this violence gives rise. The Plan therefore outlines the objectives and the means, within the Government's sphere of competence, which are deemed necessary to eliminate domestic violence and provide the social resources to help mitigate the effects of this violence on the victims.

The autonomous communities and the Federation of Municipalities and Provinces that took part in developing the Plan of Action, knowing the resources available in and the specific needs of their areas, will be able to complement the measures in the Plan by developing their own plans of action within their own areas of competence.

The Plan of Action on violence against women came into force in March 1998 and will remain in force up to the end of the year 2000. At that time, we will be able to assess how much progress has been made in combating violence.

The estimated total annual budget for the three years the plan is in force will be 8,941,418,727 pesetas, the bulk - 52.4 per cent - of which will come from the Ministry of Labour and Social Affairs.

Article 3. DEVELOPMENT AND ADVANCEMENT OF WOMEN

*States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.*

During this period, the Government approved, on 8 March 1997, the Third Plan for Equal Opportunities for Women and Men. The Plan seeks to boost equal opportunities policies for the social advancement of women on the basis of the commitments made at the Fourth World Conference on Women, held in Beijing, and the guidelines set by the fourth Community Action Programme of the of the European Union. The two documents set forth clear directions for action: introduction of the equality perspective into all policies, and women's participation in all spheres of social life.

On that basis, the Plan identifies 10 areas for action in the period 1997-2000, structured around 25 objectives with a total of 192 measures.

1. Education. Here, the goal is to promote equal access by women to all educational processes and develop a model for education that is informed by egalitarian values with nothing assigned to one sex or the other. Amongst the approved objectives in the education area are promotion of equal access for women to all educational processes, development of models for education that promote equality, encouragement of research in the area of women's and gender studies and participation by women in physical exercise and sports.

2. Health. On the basis of a comprehensive, health-promoting vision, the aim is to have a variety of programmes, ranging from prevention to health-care delivery. The fundamental goal of the programmes in this area is to improve women's health throughout the biological cycle, to help improve their sexual and reproductive health and their physical and psychological well-being, and alleviate health problems associated with women's working and domestic activities.

3. Economic affairs and employment. The goal here is to promote women's control over economic resources and to encourage their incorporation into the labour market. This means that the primary objective should be to promote women's access to social and economic rights. To do this, the objective of the Plan is to ease women's entry into the world of work, to promote entrepreneurial activity by women, foster changes and structural transformations that help women enter the labour market and stay in and move up in it, and to reconcile men's and women's family and working lives.

4. Power and decision-making. Here the aim is to promote women into decision-making posts. In this connection, the Plan includes specific actions such as support for programmes targeted on women's acquiring training and skills so that they can take up decision-making posts and for the efforts of associations and organizations in all sectors of society to encourage women's access to decision-making processes.

5. Image and communications media. It is understood that media and multimedia systems in contemporary society are amongst the fundamental agents of socialization, alongside families and academic institutions. The aim is to get the media to avoid a stereotyped and sexist image of women in media and advertising.

6. Environment. This is the first time Spain has given the environment separate treatment in the equal opportunities Plan. The Institute for Women's Issues takes it as given that it is everyone's right to lead a healthy and productive life in harmony with nature, bearing in mind the great contribution that women can make in this area. The priority in the environmental area is to encourage women's participation in all environmental programmes by promoting training in environmental subjects and providing the necessary technical assistance. Alongside this, again for the first time, the State is proposing that women should participate in eco-tourism, through self-employment.

7. Violence. The objective is the elimination of all forms of violence in private life, at work and in society in general: women are subjected to physical or psychological abuse in all societies, regardless of social class, income or culture, and this helps keep women in subordinate roles.

8. Social exclusion. Specific steps are set out for all those groups of women who, in addition to being women, have cultural, social racial or personal characteristics that make their situation more vulnerable.

9. Rural women. The goal is to make the contribution of rural women to the economy more visible and to bring them into the work force without leaving their rural environment. This is the first time that Spain has had an equal opportunities plan that contains a specific area to meet the needs of rural women, who include not only those living in rural areas but also women who live in towns but work in the country. To achieve this, in addition to promoting the rural women's association movement, the objectives include all activities aimed at promoting the development of women in these situations.

10. Cooperation. Here the goal is to integrate the equal opportunities dimension into the general government and institutional policies and to encourage cooperation with non-governmental organizations and thereby mobilize all policies towards achieving equality. In this connection, the field of cooperation covers, from a gender perspective, actions on Spanish soil (in collaboration with the autonomous communities, non-governmental organizations, social actors and civil society in general) and those having to do with cooperation for development.

Article 4. ACCELERATION OF EQUALITY BETWEEN MEN AND WOMEN

1. *Adoption by States Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.*

2. *Adoption by States Parties of special measures, including those measures contained in the present Convention, aimed at protecting maternity shall not be considered discriminatory.*

First of all in terms of conceptual approach, there has been discussion in Spain of the possible distinction between affirmative action and affirmative discrimination. Affirmative action may be understood as meaning those temporary strategies aimed at promoting and encouraging real equality of opportunity so that individuals or groups can fully enjoy their rights and freedoms and achieve complete integration into society. At the national level, Spain has a Third Plan of Action for Equal Opportunities for Men and Women which contains a full set of affirmative measures in all the fields it covers.

Affirmative discrimination means the reservation of jobs for groups discriminated against and accordingly may be considered a form of affirmative action although in these cases the law providing for affirmative action would be for the benefit of the under-represented sex and not directed exclusively against the under-representation of women.

In either case, the legal basis for affirmative action and affirmative discrimination would be article 14 of the Constitution, which establishes the principle of equality to which we have already referred, and articles 9.1 and 9.2 of the Constitution, which impose on the public authorities the obligation to promote conditions which ensure the freedom and equality of individuals and to remove the obstacles which prevent or hinder their full enjoyment.

In terms of judicial practice, Judgement 128/1987 of 16 July of the Constitutional Court establishes that affirmative action is compatible with the formal principle of equality laid down in article 14 of the Constitution, and can be required in order to maintain the principle of essential equality established in article 9.2 of the Constitution. The Constitutional Court also based its ruling both on community standards and the Convention on the Elimination of All Forms of Discrimination against Women. In conformity with the Convention, the Court has repeatedly ruled that "protection against discrimination is not only compatible with but sometimes requires compensating for inequality of opportunity between the sexes through affirmative action" (Judgements 128/1987 of 16 July, 19/1989 of 31 January, 216/1991 of 14 November, 28/1992 of 9 March and 16/1995 of 24 January of the Constitutional Court).

In addition to the measures contained in the Third Plan of Action for Equal Opportunities for Women and Men, affirmative action has been carried out in Spain by a number of means. The changes with respect to employment and labour law, to which we referred in connection with article 2, entail the adoption of

measures which in some cases are aimed at giving priority to the incorporation of women into the labour market.

In addition, the number of enterprises included in the OPTIMA Programme now in operation has risen from eight in 1996 to 30 at present. The purpose of the Programme is to promote the empowerment of women with regard to employment through affirmative action to overcome existing inequalities between men and women.

Moreover, the Institute for Women's Issues has financed programmes of action in favour of women in two ways, having increased both the number of programmes and the organizations it has supported, as well as its budget. In 1996, it assisted 111 enterprises and NGOs in carrying out 211 programmes and in 1998 it assisted 136 enterprises and NGOs in carrying out 215 programmes. This has meant an increase of about 500 million pesetas as compared with 1995. As we have noted, those programmes have been carried out in two ways:

1. Through general programme grants whose purpose is to support the women's association movement and the social participation of women, especially with respect to the labour market, education and decision-making;

2. Through programmes intended to promote equal opportunities for men and women, giving priority through the allocation of 0.52 per cent of the individual income tax to literacy and education programmes intended to enhance women's skills and promote their access to the various educational levels. Priority is also given to programmes intended to promote the employment and self-employment of women in order to ensure equal opportunities for women in the labour market.

3. With respect to single parent families with family responsibilities and as a part of the programme of cooperation with the autonomous communities, a "free-time vacation programme for women with sole responsibility for minor children" is being carried out under Addenda to the Cooperation Agreement with the autonomous communities of Andalusia, Estremadura, Murcia, the Basque Country and Valencia, although the participation of the autonomous communities has been increasing steadily. The programme is intended for economically and socially disadvantaged women having sole responsibility for children. This programme has been in operation since 1990.

The aim of the programme, in addition to providing the women with free vacations, is to increase their self-esteem through group living, to inform them about the social resources available in their autonomous communities and to give them the support and assistance needed to face and overcome the problems arising from their economic and social situation.

The programme has been assessed very positively; it is considered to achieve its goals and to increase these women's confidence in the social services and the resources they provide.

The total number of persons included in the programme has risen in recent years. The figures are as follows:

1. The number of women benefiting from the programme has increased from 399 in 1996, to 412 in 1997 and 451 in 1998.

2. The number of minors benefiting from the programme has also increased from 448 in 1996 to 575 in 1997 and 634 in 1998.

3. The number of group leaders has also increased, rising from 32 in 1996 to 44 in 1997 and 48 in 1998.

Article 5. SEX ROLES AND STEREOTYPING

*States Parties shall take all appropriate measures:*

*(a) To modify the social and culture patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women;*

*(b) To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases.*

In conformity with this article, the Third Plan of Action for Equal Opportunities includes integrated measures in a number of areas intended to change the social and cultural patterns of conduct between men and women; because of their importance, this report focuses on activities in education and the media.

As is pointed out in the Plan, education is the basic instrument for achieving equality of opportunity between men and women and an essential element in enabling women to achieve independence, so that they can choose in conformity with their own judgement and have access to their rights. However, education is not the only means of changing social and cultural patterns of conduct. As has already been noted, the Government of Spain, through the Institute for Women's Issues, realizes that this change must take place across all the areas of human conduct and in conformity with an integrated plan in which all levels of public administration and civil society are involved. This article is accordingly being implemented in each of the areas covered by the Third Plan of Action for Equal Opportunities.

In addition to the specific activities in the field of education, publicity campaigns have been carried out in the communications media, both generally and on specific themes, such as employment and violence.

In connection with the proper understanding of maternity as a social function to which article 5.2 refers, it should be noted that Spain has included such protection in its Constitution, article 39.2 of which states that "the public authorities likewise shall ensure full protection of children, who shall be equal before the law, irrespective of their parentage, and of mothers, whatever their marital status. The law shall provide for the investigation of paternity."

The Constitutional Court has issued a number of judgements stressing the significance of the article. Especially important is Judgement 128/1987 of 16 July on specific forms of assistance for day-care centres, in which the legality of affirmative action in favour of mothers is explained as follows: "... women with young children face undeniable and major difficulties in finding or keeping a job; while these difficulties are due to a variety of reasons, they

put this social class in a clearly disadvantaged de facto situation as compared with men in the same situation. So long as this situation persists any measure that is intended to promote the access to work of a socially disadvantaged group, and that seeks to ensure - by facilitating the use of day-care centres - that a discriminatory social practice does not become a means of keeping women with young children out of the workplace, cannot be regarded as discriminatory.

The Constitutional Court made a similar ruling in its judgement 109/93, in connection with a question of constitutionality raised with respect to article 37.4 of Act No. 8/1980.

Accordingly, the right of mothers to receive protection from the public authorities is a social right, that is established in Title 1, Chapter III, of the Constitution as a guiding principle of social and economic policy. As a guiding principle, it serves to shape the laws which are the instruments whereby the public authorities give effect to the constitutionally mandated protection.

Having indicated the general lines along which this article is implemented, we will turn to the specific measures taken, bearing in mind that all the information relating to education has been included in the section on article 10 of the Convention. We shall therefore cite the establishment of Advertising Monitoring Unit as a specific action intended to change social and cultural patterns of conduct with a view to eliminating the prejudices and customary practices involving discrimination against women.

As stated earlier, article 9.2 of the Spanish Constitution of 1978 provides that "it is incumbent upon the public authorities to promote conditions which ensure that the freedom and equality of individuals and of the groups to which they belong are real and effective, to remove obstacles which prevent or hinder their full enjoyment, and to facilitate the participation of all citizens in political, economic, cultural and social life". Article 10.1 likewise states that "human dignity, and the inviolable and inherent rights of the human person, the free development of his or her personality, and respect for the law and for the rights of others, are fundamental to political order and social peace." Lastly, article 14 of the Constitution provides that "Spaniards are equal before the law and may not in any way be discriminated against on account of birth, race, sex, religion, opinion or any other condition or personal or social circumstance". Furthermore, article 3 of the General Act on Advertising of 1988 provides that "advertising, infringing on human dignity or the rights recognized in the Constitution, especially those relating to children and women, shall be illegal".

In addition to the above-mentioned legal framework, it should be noted that, as mentioned above, the Third Plan of Action for Equal Opportunities for Women (1997-2000) contains a separate section providing for activities intended to promote a balanced and non-stereotypical image of women in the media.

These rules are similar to the Community provisions, and particularly the resolutions of the Council of the European Union of 5 October 1995 on the treatment of the image of women in advertising and the media; and of 16 September 1997 on discrimination against women in advertising.

The Institute for Women's Issues was invited by the Directorate-General for Information of the European Commission to transmit its experience with the Advertising Monitoring Unit during the celebration of the 1997 Niki Prize which was organized by Commission Directorates-General, V and X, in order to reward the media for their efforts to eradicate sexist images of women.

The Advertising Monitoring Unit played an important role in changing patterns of conduct, in accordance with article 5 of the Convention. The Unit was created by the Institute for Women's Issues with a view to creating a clear social awareness of the role which women play and the way that they are often portrayed in advertising, which is based on stereotypes rooted in the past.

The Institute has decided to act, via this mechanism, with a view to eradicating those discriminatory advertisements and preventing as far as possible the sexist distinctions between men and women which many advertisements promote. The objective is to reclaim the right to equal treatment for both sexes recognized in the Spanish Constitution and in General Act 34.88 on Advertising. The Institute may act "(...) officially against any advertisements which violate the dignity of women and those which perpetuate a discriminatory image of women". Nevertheless, the Institute has thus far chosen to act through negotiation. By so doing, it has succeeded in having many advertisements voluntarily withdrawn and/or modified, efforts which in some cases received wide coverage in the press.

The Unit functions via two basic mechanisms:

1. A toll-free telephone number 900 19 10 10, a free, nationwide number for reporting offending advertisements, available 24 hours a day, 7 days a week. Any advertisements reported on this line must have been used in Spanish territory, and must refer to the areas covered by article 3 of the General Act on Advertising.

2. An Image Evaluation Council made up of 16 professionals from various groups, whose task it is to work with the Institute for Women's Issues in matters relating to the image of women in the media. This group therefore has representation from women's associations of various ideologies, major consumer organizations, the women's offices of the most representative unions in the country, men and women researchers from the university sector, and persons who have been called upon to sit on the Council, either in their personal capacity or because of their intellectual renown. The Council is a meeting ground for professionals, who work dispassionately with the Institute to carry out its work of evaluation, both with reference to the reports made to it and with a view to organizing studies or seminars to analyse how women are portrayed in today's society.

In addition to those two mechanisms, there is the Women's Information Service, a branch of the Institute for Women's Issues, which does excellent work in processing reports of sexist publicity.

Concerning the data collected by the Monitoring Unit in the last three years, it should be pointed out that:

- The number of complaints rose from 382 in 1996 to 523 in 1997, an increase of 30 per cent. In the first six months of 1998, 213 complaints were received; at the date of writing of this report the total for 1998 was not yet available.

- The largest number of complaints related to television advertisements. In 1996, 208 out of a total of 382 complaints involved television, that is to say, 54.45 per cent; in 1997, the figures were 246 out of a total of 546, or 45.9 per cent; during the first six months of 1998, 152 out of a total of 213 complaints involved television advertisements.

- The type of product being advertised: clothing and automobiles were the most often reported in overall terms, followed by beverages, although there were some variations from year to year. In 1996, the largest number of complaints related to beverages (14 per cent of the total); in 1997, it was clothing and accessories (40.58 per cent of the total); and in the first six months of 1998, it was the automobile sector (53.5 per cent of the total).

- The profile of complainants has remained unchanged over the three years: complainants are generally single, university-educated women between 26 and 35 years old, who live in urban areas and are employed.

We have also included the tables of statistics gathered since the creation of the Monitoring Unit in 1994.

Table 5.1. Type of medium reported, in absolute and relative terms

| Medium | 1st quarter of 1998 | | 1997 | | July 1994-June 1998 | |
|---|---|---|---|---|---|---|
| TV | 154 | 72.3% | 246 | 45.90% | 1 206 | 58.8% |
| Walls of subway | 9 | 4.2% | 0 | 0.00% | 55 | 2.7% |
| Press/magazines | 32 | 15% | 43 | 8.02% | 286 | 1.4% |
| Buses | 0 | 0 | 10 | 1.87% | 55 | 2.7% |
| Radio | 11 | 5.1% | 47 | 8.77% | 98 | 4.8% |
| Exterior walls | 2 | 0.9% | 151 | 28.17% | 196 | 9.6% |
| Urban furnishings | 0 | 0 | 1 | 0.19% | 9 | 0.4% |
| Cinema | 0 | 0 | 1 | 0.19% | 15 | 0.7% |
| Telephone booths | 0 | 0 | 0 | 0.00% | 7 | 0.34% |
| Brochures | 3 | 1.4% | 3 | 0.56% | 19 | 0.9% |
| Other | 2 | 0.9% | 30 | 5.60% | 89 | 4.3% |
| Unknown | 0 | 0 | 4 | 0.75% | 13 | 0.63% |
| Total | 213 | 100% | 536 | 100% | 2 048 | 100% |

Table 5.2. Most often reported products, in absolute and relative terms

| Type of product | 1998 (until June) | | 1997 | | July 1994-June 1998 | |
|---|---|---|---|---|---|---|
| Detergents/cleaning products | 7 | 3.3% | 13 | 2.88% | 114 | 5.8% |
| Beverages and tobacco | 15 | 7.1% | 32 | 7.10% | 200 | 10.2% |
| Clothing/accessories | 10 | 4.7% | 183 | 40.58% | 279 | 14.2% |
| Magazines/books | 14 | 6.6% | 19 | 4.21% | 182 | 9.3% |
| Perfumes | 0 | 0% | 4 | 0.89% | 61 | 3.12% |
| Hygiene | 4 | 1.9% | 10 | 2.22% | 100 | 5.1% |
| Food | 14 | 6.6% | 15 | 3.33% | 98 | 5.0% |
| Electrical appliances | 0 | 0% | 16 | 3.55% | 60 | 3.06% |
| Drugs | 1 | 0.5% | 6 | 1.33% | 50 | 2.55% |
| Beauty/health | 1 | 0.5% | 3 | 0.67% | 26 | 1.32% |
| TV/radio programmes | 2 | 0.9% | 24 | 5.32% | 74 | 3.8% |
| Cinema/video/theatre | 2 | 0.9% | 6 | 1.33% | 85 | 4.3% |
| Automobiles | 113 | 53.5% | 68 | 15.08% | 277 | 14.1% |
| Telecommunications | 3 | 1.4% | 4 | 0.89% | 29 | 1.4% |
| Toys | 0 | 0% | 2 | 0.44% | 37 | 1.8% |
| Record shops | 0 | 0% | 1 | 0.22% | 13 | 0.66% |
| Music | 1 | 0.5% | 2 | 0.44% | 34 | 1.7% |
| Vacations/travel | 12 | 5.7% | 1 | 0.22% | 69 | 3.5% |
| Services | 1 | 0.5% | 16 | 3.55% | 49 | 2.5% |
| Administration | 2 | 1.0% | 2 | 0.44% | 22 | 1.12% |
| Other sectors | 9 | 4.3% | 24 | 5.32% | 98 | 5.0% |
| Total | 213 | 100% | 451 | 100% | 1 957 | 100% |

As has already been noted, the profile of complainants remained unchanged between 1996 and 1998. The following tables give more specific information about typical complainants since the creation of the Monitoring Unit.

Table 5.3. Number of complainants by age

| Age | 1998 (up to June) | | 1997 | | July 1994-June 1998 | |
|---|---|---|---|---|---|---|
| Under 15 | 1 | 0.5% | 4 | 0.89% | 13 | 0.66% |
| 16-20 | 35 | 16% | 37 | 8.20% | 136 | 6.9% |
| 21-25 | 23 | 10% | 50 | 11.09% | 280 | 14.3% |
| 26-35 | 67 | 31.4% | 152 | 33.70% | 690 | 35.2% |
| 36-45 | 47 | 22.1% | 118 | 26.16% | 526 | 26.9% |
| 46-55 | 15 | 7% | 52 | 11.53% | 197 | 10% |
| 56 or over | 3 | 1.4% | 30 | 6.65% | 67 | 3.4% |
| Unknown | 22 | 10.3% | 8 | 1.77% | 48 | 2.5% |
| Total | 213 | 100% | 451 | 100% | 1 957 | 100% |

Table 5.4. Number of complainants by marital status

| Marital status | 1998 (up to June) | | 1997 | | July 1994-June 1998 | |
|---|---|---|---|---|---|---|
| Single | 114 | 53.5% | 228 | 50.55% | 986 | 50.3% |
| Married | 65 | 30.5% | 184 | 40.80% | 703 | 36% |
| Widowed | 4 | 1.9% | 7 | 1.55% | 31 | 1.6% |
| Divorced | 5 | 2.3% | 8 | 1.77% | 41 | 2.1% |
| Separated | 3 | 1.4% | 16 | 3.55% | 110 | 5.6% |
| Unknown | 22 | 10.3% | 8 | 1.77% | 86 | 4.4% |
| Total | 213 | 100% | 451 | 100% | 1 957 | 100% |

Table 5.5. Number of complainants by level of education

| Education | 1998 (up to June) | | 1997 | | July 1994-June 1998 | |
|---|---|---|---|---|---|---|
| None | 9 | 4.2% | 9 | 2.00% | 31 | 2.6% |
| Elementary | 18 | 8.5% | 44 | 9.76% | 166 | 8.5% |
| Secondary | 41 | 19.2% | 95 | 21.06% | 487 | 25% |
| Short University cycle | 55 | 26% | 110 | 24.39% | 410 | 21% |
| Long University cycle | 67 | 31.4% | 136 | 30.16% | 747 | 38.1% |
| Unknown | 23 | 10.8% | 57 | 12.64% | 116 | 6% |
| Total | 213 | 100% | 451 | 100% | 1 957 | 100% |

Table 5.6. Number of complainants by place of residence

| Residence | 1998 (up to June) | | 1997 | | July 1994-June 1998 | |
|---|---|---|---|---|---|---|
| Urban | 150 | 70.4% | 238 | 52.77% | 1 136 | 58% |
| Rural | 38 | 17.8% | 138 | 30.60% | 679 | 34.6% |
| Unknown | 25 | 11.7% | 75 | 16.93% | 202 | 10.3% |
| Total | 213 | 100% | 451 | 100% | 1 957 | 100% |

Table 5.7. Number of complainants by employment status

| Employment status | 1998 (up to June) | | 1997 | | July 1994-June 1998 | |
|---|---|---|---|---|---|---|
| Employed | 148 | 69.5% | 296 | 65.6% | 1 245 | 63.7% |
| Not employed | 35 | 16.4% | 98 | 21.7% | 565 | 28.8% |
| Unknown | 30 | 14% | 57 | 12.6% | 147 | 7.5% |
| Total | 213 | 100% | 451 | 100% | 1 957 | 100% |

People learned of the existence of the Monitoring Unit in a number of ways, the most common being, overall, government offices and the press/magazines.

Table 5.8. How people learned of the Monitoring Unit

| Medium | 1998 (up to June) | | 1997 | | July 1994-June 1998 | |
|---|---|---|---|---|---|---|
| Radio | 34 | 16% | 76 | 17.85% | 293 | 15% |
| Press/magazines | 15 | 7% | 62 | 13.75% | 438 | 22.4% |
| Television | 39 | 18.3% | 26 | 5.76% | 285 | 14.5% |
| Institute for Women's Issues | 23 | 10.7% | 55 | 12.20% | 203 | 10.4% |
| Other public admin. | 9 | 4.2% | 104 | 23.06% | 388 | 19.8% |
| Acquaintances | 40 | 18.7% | 61 | 13.53% | 177 | 9% |
| Other | 21 | 9.8% | 57 | 12.64% | 118 | 6% |
| Unknown | 32 | 15% | 10 | 2.22% | 55 | 2.8% |
| Total | 213 | 100% | 451 | 100% | 1 934 | 100% |

Although, as has been pointed out, the types of complaints vary along with the advertisements from year to year, generally speaking most complaints concern the following stereotypes:

1. Women's role is limited to that of reproduction and being exclusively responsible for taking care of family and home.

2. Women are depicted as passive sexual objects. Many complaints make reference to the use of women's bodies to sell products that have no direct relation to them, as a kind of all-purpose advertising fetish. Complaints also stress the passivity of this image, in that women are equated with the advertised merchandise as objects of consumption.

3. Women are depicted as man's property/responsibility. In 1998, complaints concerning the advertising campaign for Renault Clio automobiles increased the number of complaints received by the Unit (62 per cent of the total in the first six months of 1998). The advertisements in question depicted women as a sort of "necessary evil" that the male consumer can "liberate himself" from, at least temporarily, by buying the advertised product.

4. Finally, there have been complaints about the subsidiary role which women are portrayed as playing, their economic or emotional dependency, job discrimination, sexist language, incompatibility between women and technology and science, or women's incompetence when faced with tasks traditionally performed by men, as well as the depiction of marriage as the only way for women to find fulfilment, and the image of masturbation.

These statistics confirm the continuing efforts made to ensure compliance with article 5 of the Convention. The work done by the Monitoring Unit must be complemented by efforts in the area of education - which, as mentioned, we shall deal with in connection with article 10 - and, as also mentioned, by cross-cutting efforts affecting all areas.

Article 6. ELIMINATION OF THE EXPLOITATION OF WOMEN

*States Parties shall take all appropriate measures, including legislation to suppress all forms of traffic in women and exploitation of prostitution of women.*

The Institute for Women's Issues and the Ministry of Labour and Social Affairs provide grants for associations that carry out rehabilitation programmes for prostitutes. During the period 1996-1998, funding for such programmes from the individual income tax increased by 21 million pesetas.

Victims of trafficking are another cause for concern. One of the goals of the Third Plan of Action for Equal Opportunities for Women is therefore to promote measures to eliminate the traffic in women and girls and the exploitation of prostitution (7.3). Actions under this heading include providing victims of trafficking and the exploitation of prostitution with free legal assistance where legal action is necessary (7.3.3), granting them medical, social and police assistance (7.3.4) and promoting and supporting cooperation between Spanish non-governmental organizations and non-governmental organizations from the victims' countries of origin in carrying out assistance and rehabilitation programmes (7.3.5).

Accordingly, discussions have been initiated with various ministries on the possibility of establishing a working group with the task of coordinating a range of measures to combat violence against, and the traffic in, women.

Grants allocated to non-governmental organizations both by the Institute and using the income tax collected will provide funding for associations planning programmes for immigrant victims of trafficking in women.

Lastly, the Government has signed the Hague Ministerial Declaration on European Guidelines for Effective Measures to Prevent and Combat Traffic in Women for the Purposes of Sexual Exploitation (26 April 1997).

The Declaration, provides for cooperation, within Europe and internationally, in respect of prevention, investigation, legal action and appropriate assistance and support, and for a range of activities to be taken at the national level.

It should be pointed out that in April 1998 the Spanish Government adopted a Plan to combat domestic violence, to which we refer extensively in connection with article 2.

Altogether, it is important to note that activities to help domestic violence victims are being supported and that the number of projects for that purpose has increased, as has the funding. Grants for programmes on violence have risen from 326 million pesetas in 1995 to 351 million in 1998.

No less important than the financial aspect are the moves to train the professionals directly involved in dealing with violence against women. Since the adoption of the Plan to combat domestic violence there have been 19 educational seminars for law enforcement personnel, 24 training courses for

court officials and medical personnel, 3 joint workshops with the General Council of Justice and 3 courses for judges and magistrates, as well as courses for social service professionals.

Steps have also been taken to increase the number of units dealing specifically with women victims of violence in police stations and in 55 Civil Guard depots.

Special procedures are currently being approved in order to facilitate coordination of all the services involved in cases of abuse.

Lastly, information and counselling services are to be provided to women victims of violence at eight centres, in addition to those already provided in autonomous communities. Similarly, 12 victims assistance offices have been established within various judicial bodies.

Article 7. PUBLIC AND POLITICAL LIFE

*States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women on equal terms with men, the right:*

*(a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;*

*(b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;*

*(c) To participate in non-governmental organizations and associations concerned with the public and political life of the country.*

The administration is working closely with equal opportunities bodies in the autonomous communities and other institutions to implement that article and promote greater participation by women in every aspect of public life.

This collaboration is reflected mainly in agreements but also face-to-face meetings with the autonomous communities and the activities of the Sectoral Women's Conference. The overall aim is to promote the formulation and implementation of government policies to facilitate participation by women, as indicated in article 7 of the Convention.

1. With regard to cooperation agreements:

According to article 2.10 of Act 16/1983 of 24 October, setting up the Institute for Women's Issues, relations should be established with comparable and similar institutions in the autonomous communities and local authorities; agreements are therefore being signed with the autonomous communities to adopt programmes consistent with each community's plan of action for equal opportunities for women.

These agreements have been concluded within the framework of the resolution of 9 March 1990 of the Department for Territorial Administrations ordering the publication of the Council of Ministers Agreement of 2 March 1990, on cooperation agreements between the State administration and the autonomous communities.

Since 1990, framework cooperation agreements have been signed with the equal opportunities bodies of the autonomous communities of Andalusia, Asturias, Aragón, the Balearic Islands, the Canary Islands, Cantabria, Castilla-La Mancha, Castilla y León, Extremadura, Madrid, Murcia, La Rioja and Valencia. During 1996, cooperation agreements were signed with Galicia and Navarra. Additional agreements were made also in 1996 with Andalusia, the Balearic Islands, the Basque Country, Extremadura, Murcia, Navarra and Valencia.

The aim is to exchange information and develop joint activity programmes, the content of which is listed in annual Addenda.

2. With regard to meetings for cooperation with autonomous communities:

Since 1996, a number of face-to-face meetings with senior officials of equal opportunities bodies from the Autonomous Communities have taken place. The main objectives have been coordination, the rationalization of resources and the promotion of the various equal opportunities policies being carried out in different parts of the country.

3. With regard to the Sectoral Women's Conference:

The Sectoral Women's Conference of the Ministry of Labour and Social Affairs is the body in charge of cooperation with the autonomous communities. It is chaired by the Minister of Labour and Social Affairs and those participating include Ceuta and Melilla, the Institute for Women's Issues and the equal opportunities offices and bodies of the autonomous communities of Andalusia, Asturias, the Balearic Islands, the Basque Country, the Canary Islands, Castilla-La Mancha, Castilla y León, Catalonia, Extremadura, Galicia, Madrid, Murcia, La Rioja and Valencia. Among the issues discussed during 1996-1998 were the assessment of the Second Plan of Action for Equal Opportunities for Women, information on the Third Plan of Action, a report on the bill concerning the food payment guarantee fund and a report on the Women's Monitoring Unit.

Cooperation with municipal councils takes place on the basis of Act 16/1983, article 2.10 and 2.11, referred to above.

Act 7/1985 of 2 April regarding local authority rules provides, in articles 28 and 31, that municipalities and provincial councils may carry out activities to complement those of other administrations, particularly with regard to the advancement of women.

Cooperation agreements have been signed with the provincial councils of Grenada and Cádiz and with the municipal councils of Mondoñedo and Camariñas (Galicia), Mahón (Balearic Islands), Málaga (Andalusia), San Bartolomé de Tirajana and Santa Lucía (Canary Islands), Murcia, Cornellá de Llobregat and Barberá del Vallés (Catalonia) and Bilbao, Lasarte-Oria, Zumárraga and Ermua (Basque Country).

On 16 June 1992 a cooperation agreement was signed between the Institute for Women's Issues and the Spanish Federation of Municipalities and Provinces (FEMP). Addenda are agreed annually, since the closeness of the local authorities to the public makes them a suitable environment for the development of activities to promote women's issues.

Thus on 14 May 1996 an addendum was signed to the 1992 agreement, introducing joint activity programmes under the aegis of the local authorities.

Other activities carried out with the administration in the interests of implementing article 7 have been:

- Preparation of a report on equal opportunities activities taking place in the autonomous communities.

- Study and follow-up, in 1996, of the level of implementation of joint programmes with the autonomous communities; later submitted to the Government Commission on autonomous policy.

- Follow-up of autonomous community activities.

- Ongoing information and technical advice provided, upon request, to the autonomous community equal opportunity bodies, the Spanish Federation of Municipalities and Provinces and various municipal councils.

The main object of cooperation between women's associations and country-wide non-governmental organizations is to strengthen the women's association movement and to support the development of programmes and projects to promote equal opportunities for men and women in public life.

This support has mainly consisted of annual grants and the provision of infrastructure for the development of activities.

During the period 1996-1998 these grants have gone to bodies and organizations which, in addition to focusing on activities to promote equal opportunities for women, are non-profit-making, legally constituted, active nationwide and have an adequate structure and capacity.

Aside from the activities of the administration and local government, and the programmes for non-governmental organizations, there is statistical data confirming the increased participation by women in political and public life.

Following the last general election, held in 1996, the percentage of women in the Congress of Deputies rose from 16 per cent to 22 per cent. There was a rise in participation by women in practically all the political parties (table 7.1).

The situation was different in the Senate. Overall, participation grew from 12.5 per cent to 14.9 per cent (table 7.2), but the increase was not spread across the political parties. Given the fall in the number of PSOE senators elected, of either sex, the increase can be attributed to the greater number of women elected for the PP and the EFS.

Table 7.1. Female participation in the Congress of Deputies, by political party

| Political party | 1993 | | | 1996 | | |
|---|---|---|---|---|---|---|
| | Seats | Women | Percentage of women | Seats | Women | Percentage of women |
| Total | 350 | 56 | 16.00 | 350 | 77 | 22.00 |
| PSOE | 159 | 28 | 17.61 | 141 | 39 | 27.65 |
| PP | 141 | 21 | 14.89 | 156 | 22 | 14.10 |
| IU | 18 | 4 | 22.22 | 21 | 7 | 33.33 |
| CIU | 17 | 1 | 5.89 | 16 | 4 | 25.00 |
| PNV | 5 | 0 | 0.00 | 5 | 1 | 20.00 |
| CC | 4 | 0 | 0.00 | 4 | 0 | 0.00 |
| BNG | | | | 2 | 0 | 0.00 |
| HB | 2 | 1 | 50.00 | 2 | 2 | 100.00 |
| ERC | 1 | 1 | 100.00 | 1 | 1 | 100.00 |
| EA | 1 | 0 | 0.00 | 1 | 1 | 100.00 |
| UV | 1 | 0 | 0.00 | 1 | 0 | 0.00 |
| PAR | 1 | 0 | 0.00 | | | |

Source: Calculations by the Institute for Women's Issues.

Table 7.2. Female participation in the Senate, by political party

| Political party | 1993-1996 | | | 1996-2000 | | |
|---|---|---|---|---|---|---|
| | Seats | Women | Percentage of women | Seats | Women | Percentage of women |
| Total | 256 | 32 | 12.50 | 208 | 31 | 14.90 |
| PSOE | 117 | 21 | 17.95 | 81 | 19 | 23.46 |
| PP | 106 | 10 | 9.43 | 111 | 11 | 9.91 |
| CIU | 14 | 0 | 0.00 | 8 | 0 | 0.00 |
| PNV | 6 | 0 | 0.00 | 4 | 0 | 0.00 |
| CC | 6 | 0 | 0.00 | 2 | 0 | 0.00 |
| EFS | | | | 1 | 1 | 100.00 |
| PIL | | | | 1 | 0 | 0.00 |
| Independent | 7 | 1 | 0.00 | | | |

Source: Calculations by the Institute for Women's Issues.

There was also an increase in participation by women in the autonomous parliaments (table 7.3). Since the previous report, autonomous elections have been held in Galicia, with a percentage increase from 13.33 per cent at the previous election to 16.67 per cent at the 1997 election.

Table 7.3. Female participation in the autonomous parliaments

| Community | 1997 | | |
|---|---|---|---|
| | Women | Percentage of women | Men |
| Andalusia[a] | 31 | 28.44 | 78 |
| Aragon | 8 | 11.94 | 59 |
| Asturias | 7 | 15.56 | 38 |
| Balearic Islands | 17 | 28.81 | 42 |
| Canary Islands | 8 | 13.33 | 52 |
| Cantabria | 6 | 15.38 | 33 |
| Castilla y León | 16 | 19.05 | 68 |
| Castilla-La Mancha | 11 | 23.40 | 36 |
| Catalonia | 21 | 15.56 | 114 |
| Extremadura | 10 | 15.38 | 55 |
| Galicia[b] | 13 | 16.67 | 65 |
| Madrid | 29 | 28.16 | 74 |
| Murcia | 5 | 11.11 | 40 |
| Navarra | 9 | 18.00 | 41 |
| La Rioja | 7 | 21.21 | 26 |
| Valencian Community | 22 | 24.72 | 67 |
| Basque Country[c] | 14 | 18.67 | 61 |
| Total | 234 | 19.78 | 949 |

Source: Calculations based on data provided by the autonomous parliaments.

[a] Election held in 1996.

[b] Includes results of 1997 election.

[c] Election not yet held.

There are no women currently holding the presidency in autonomous governments. The proportion of women ministers, however, rose from 11.4 per cent in 1995 to 13.16 per cent in 1997.

Table 7.4. Female participation in autonomous governments

| | President | Ministers | | |
|---|---|---|---|---|
| | Women | Women | Men | Percentage of women |
| Andalusia | 0 | 3 | 10 | 23.08 |
| Aragon | 0 | 0 | 6 | 0.00 |
| Asturias | 0 | 1 | 5 | 16.67 |
| Balearic Islands | 0 | 1 | 9 | 10.00 |
| Canary Islands | 0 | 1 | 9 | 10.00 |
| Cantabria | 0 | 1 | 8 | 11.11 |
| Castilla y León | 0 | 2 | 6 | 25.00 |
| Castilla-La Mancha | 0 | 1 | 8 | 11.11 |
| Catalonia | 0 | 1 | 12 | 7.69 |
| Extremadura | 0 | 0 | 8 | 0.00 |
| Galicia | 0 | 1 | 10 | 9.09 |
| Madrid | 0 | 1 | 6 | 14.29 |
| Murcia | 0 | 1 | 6 | 14.29 |
| Navarra | 0 | 1 | 9 | 10.00 |
| La Rioja | 0 | 1 | 5 | 16.67 |
| Valencian Community | 0 | 2 | 7 | 22.22 |
| Basque Country | 0 | 2 | 8 | 20.00 |
| Total | 0 | 20 | 132 | 13.16 |

Source: Calculations based on data from the senior post lists for December 1997.

No municipal elections have been held since the last report was submitted; therefore table 7.5 contains no new figures, although the percentage calculations are more precise. The number of women in municipal councils rose by 1.6 per cent, but - as previously indicated - the most significant development was in the provincial capitals, where the number of women mayors rose from one to six.

Table 7.5. Women mayors in autonomous communities

| | 1991 | | | 1995 | | |
|---|---|---|---|---|---|---|
| | Women mayors | Number of municipal councils | Percentage of women mayors | Women mayors | Number of municipal councils | Percentage of women mayors |
| Total | 393 | 8 086 | 4.63 | 529 | 8 096 | 6.13 |
| Andalusia | 14 | 768 | 1.79 | 30 | 770 | 3.75 |
| Aragon | 36 | 729 | 4.71 | 50 | 729 | 6.42 |
| Asturias | 3 | 78 | 3.70 | 3 | 78 | 3.70 |
| Balearic Islands | 5 | 67 | 6.94 | 7 | 67 | 9.46 |
| Canary Islands | 2 | 87 | 2.25 | 2 | 87 | 2.25 |
| Cantabria | 4 | 102 | 3.77 | 3 | 102 | 2.86 |
| Castilla y León | 123 | 2 248 | 5.19 | 170 | 2 248 | 7.03 |
| Castilla-La Mancha | 62 | 915 | 6.35 | 79 | 915 | 7.95 |
| Catalonia | 34 | 942 | 3.48 | 44 | 944 | 4.45 |
| Extremadura | 16 | 380 | 4.04 | 22 | 382 | 5.45 |
| Galicia | 11 | 313 | 3.40 | 14 | 314 | 4.27 |
| Madrid | 15 | 179 | 7.73 | 19 | 179 | 9.60 |
| Murcia | 2 | 45 | 4.26 | 3 | 45 | 6.25 |
| Navarra | 14 | 271 | 4.93 | 14 | 272 | 4.90 |
| La Rioja | 10 | 174 | 5.43 | 14 | 174 | 7.45 |
| Valencian Community | 19 | 540 | 3.40 | 33 | 540 | 5.76 |
| Basque Country | 23 | 248 | 8.49 | 22 | 250 | 8.09 |

Source: Calculations based upon data provided by the Ministry of Public Administration, 1991; Ministry of Justice and the Interior, 1995.

Although the overall number of women in senior positions in the executive (table 7.6), has decreased, the number of women ministers increased by 8.57 per cent following the last general election, from 20 per cent in 1995 to 28.57 per cent. However, the rise has not been equal at every level of seniority.

Table 7.6. Women in senior positions in the executive

| | 1995 | | | 1996[a] | | |
|---|---|---|---|---|---|---|
| | Women | Men | Percentage of women | Women | Men | Percentage of women |
| Total | 47 | 279 | 14.42 | 35 | 296 | 10.57 |
| Cabinet | 3 | 12 | 20.00 | 4 | 10 | 28.57 |
| State secretariats | 5 | 15 | 25.00 | 0 | 25 | 0.00 |
| Under-secretariats[b] | 2 | 20 | 9.09 | 4 | 53 | 7.02 |
| Directorates-General[c] | 37 | 232 | 13.75 | 27 | 208 | 11.49 |

Source: Calculations based on data provided by the Ministry of Public Administration, 1991.

[a] Data to 10 September 1996.

[b] 1995 data, not including senior government officials or the civil governor of Barcelona.

[c] 1995 data, not including heads of water federations or the civil governors or officials of Ceuta and Melilla.

Another important indicator of political and public participation by women is trade union activity (table 7.7). Here women constitute only a third of the total membership.

Table 7.7. Trade Union (Unión General de Trabajadores and Comisiones Obreras) Membership, by sex

| | All | Women | Men | Percentage of women |
|---|---|---|---|---|
| Unión General de Trabajadores[a] | 628 806 | 155 196 | 473 610 | 24.68 |
| Comisiones Obreras[b] | 675 925 | 155 463 | 520 462 | 23.00 |

Source: Unión General de Trabajadores and Comisiones Obreras.

[a] 1993 data, not including Asturias, Catalonia, Madrid, Ceuta, Melilla, Hierro, Fuerteventura, Gomera and La Palma.

[b] 1995 data.

Article 8. INTERNATIONAL REPRESENTATION AND PARTICIPATION

*States Parties shall take all appropriate measures to ensure to women, on equal terms with men and without any discrimination, the opportunity to represent their Governments at the international level and to participate in the work of international organizations.*

In the most recent elections to the European Parliament, held in 1994, women accounted for 27.64 per cent of all Spanish members.

This must be considered in conjunction with the fact that increasing the participation of Spanish women in European Community and international bodies constitutes objective 10.3 of the Third Plan of Action for Equal Opportunities which is broken down into nine actions, grouped into different spheres:

1. To facilitate Spanish presence and participation in policies, programmes and projects of the European Union and organizations of the United Nations system aimed at promoting equal opportunities between women and men as well as exchanging information and good practices, through the organization of seminars and conferences. In this connection:

- Spain, through the Institute for Women's Issues, has begun to take part in the Expert Group on Women in Development, which is a part of the OECD Development Assistance Committee.

- In 1998, at the Institute's proposal, a Spanish expert became a member of the Board of Trustees of the International Research and Training Institute for the Advancement of Women (INSTRAW).

- Also at the Institute's proposal, a Spanish expert participated in the March 1997 session of the Commission on the Status of Women.

- The Institute has taken part in the organization of training courses in cooperation with the International Labour Organization (ILO) Training Centre, both at the Centre's headquarters in Turin and during the visit of course participants to Spain.

- The number of Spanish experts (male or female) participating in the working groups of the Council of Europe's Committee on Equality between Women and Men has increased to four.

- Spain, along with the European Union, participated in the seminar organized in conjunction with the awarding of the NIKI Prizes, to propose activities for the Advertising Monitoring Unit aimed at eliminating sexist images of women in the media.

- The Institute headed the working group on women and employment of the Advisory Committee on Equal Opportunities for Women and Men (Directorate-General V of the European Commission), drafting the 1999 European Union employment guidelines.

- The Institute took part in the working group on indicators for follow-up to the Beijing Conference of the said advisory committee.

- The Institute's Director General headed a workshop on family/professional responsibilities, held in Brussels in 1998.

- Spain has participated in international conferences for the exchange of good practices as well as for the dissemination of information on European Union policies, focusing in particular on equal opportunities for women.

2. To support the increased presence of Spanish women in European Union and international bodies, as well as in appointed posts at Spanish missions to the European Union and United Nations.

In effecting this increase, one of the major gaps is the need for training Spanish women in the international arena, in order to facilitate their integration into these forums. In this connection the Institute signed a cooperation agreement with the Society for International Studies to give scholarships to Spanish women for the graduate course in international studies; it also gave training fellowships to Spanish women wishing to receive training on development cooperation from a gender perspective.

In order to ensure compliance with the commitments undertaken at the Fourth World Conference on Women, the annual report of Spain (1997) was prepared on follow-up to the Conference.

Spain has been designated the host country for the European Conference on Equal Opportunities Follow-up to the Fourth World Conference on Women, which will be held in Madrid in November 1998.

Article 9. NATIONALITY

*1. States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.*

*2. States Parties shall grant women equal rights with men with respect to the nationality of their children.*

With regard to nationality and filiation, there has been no change since the previous report. Nonetheless, with regard to filiation, it should be stressed that various draft amendments have been proposed on the order of surnames, all of them aimed at coming up with an order based on the choice of those concerned, rather than on a gender-related basis.

In addition, among recent measures we wish to stress that instructions have been issued for the national identity card to contain a reference to "son/daughter", replacing the previous sole reference to "son".

Article 10. EDUCATION

*States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women:*

*(a) The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in pre-school, general, technical, professional and higher technical education, as well as in all types of vocational training;*

*(b) Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality;*

*(c) The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods;*

*(d) The same opportunities to benefit from scholarships and other study grants;*

*(e) The same opportunities for access to programmes of continuing education, including adult and functional literacy programmes, particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women;*

*(f) The reduction of female student drop-out rates and the organization of programmes for girls and women who have left school prematurely;*

*(g) The same opportunities to participate actively in sports and physical education;*

*(h) Access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning.*

As previously mentioned, education is one of the areas of action covered by the Third Plan of Action for Equal Opportunities for Women. The Spanish Constitution proclaims the right to education, in keeping with the relevant international legal instruments.

The objectives of the Spanish education programme under article 10 of the Convention are as follows:

1. To encourage the development, distribution and exchange of experience and teaching materials that all in keeping with the educational interests and needs of women and men.

2. To work with organizations and individuals seeking to ensure that educational processes are organized and implemented from a perspective which views the differences between the sexes as an asset for society, and not as a source of discrimination.

3. To promote reflection and debate on the meaning of sexual differences in education in the teacher training process.

4. To do research on how the masculine and feminine are portrayed in language and to develop and disseminate proposals for changing language that discriminates against women.

The following activities have been undertaken within this programme:

1. Cooperation agreement with the Ministry of Education and Culture: under its terms, teacher training activities have been co-financed for developing the cross-cutting theme, "Equal opportunities between the sexes", and courses aimed at promoting teacher participation in new information and communication technologies have been jointly funded.

   The Adult Continuing Education Plan has been devised within the same framework, along with technical advice on educational television programmes in order to analyse language and images from the standpoint of sexism, revise sexist content in TV programming and propose subject matter that will sensitize audiences to sexism and be of interest to girl children and women.

   By agreement of 13 March 1998, the Council of Ministers adopted a new vocational training programme, the basic objective of which is to put together an integrated vocational training system, in three parts: regulated/initial vocational training, occupational training, and continuing training. Its objectives specifically include the training and education of women in these areas.

2. A Cooperation Agreement has also been implemented with the Spanish Confederation of Parent-Teacher Associations, during the period 1996-1998, to engage in non-sexist educational training activities, emotional-sexual education, and the sharing of family and professional responsibilities; to distribute information to promote co-education; and to undertake activities as part of the European campaign against sexism in textbooks, with the launching and distribution of the slogan, "choose well: a sexist book has no class".

3. Training in non-sexist education was the subject of an agreement with the Autonomous University of Barcelona, which has engaged in awareness-raising activities for fathers and mothers, leading to the publication of two issues in the "Non-sexist Education Notebooks" series.

4. Training activities have been held for male and female professors at university teacher training schools throughout the country.

5. Specific cooperation programmes have been formulated with the educational departments of the equal opportunity units of the autonomous communities, teachers' unions and other bodies, and planning has begun for the activities of the Advisory Committee on language, which is seeking to eliminate sexist stereotypes from the language. A book entitled "Lo femino y lo Masculino en el Diccionario de la Lengua de la Real Academia española" has been published; it is a compilation of contributions from the Advisory Committee on language, which will be reflected in the next edition of the dictionary, in the year 2000. At the same time, a seminar has been held on language, attended by representatives from women's studies institutes and university departments in order to discuss the most recent research in the field.

6. Information dissemination and awareness-raising activities have been undertaken as part of the education programme, through the preparation of teaching materials as well as a publication series and participation in various forums, in order to promote non-sexist language.

In addition to these specific activities, the statistical data also reflect the changes that have taken place in Spain since the submission of the previous report.

In absolute terms, the number of persons aged 16 and over who have completed their studies has increased (table 10.1), while the number of illiterate women has fallen. The total number of illiterates rose from 1,609,700 persons in 1991 to 1,178,000 in the last quarter of 1997, but the percentage of women dropped from 7.40 per cent in 1991 to 5.05 per cent in 1997. To this must be added the fact that, the number of women without any schooling or with only a primary school education has decreased proportionately, while the number of women who have completed intermediate school has risen.

Table 10.1. Population aged 16 and over, by sex and educational level

| | Both sexes | | Women | | Men | |
|---|---|---|---|---|---|---|
| | Absolutes | Percentage of women | Absolutes | Percentage | Absolutes | Percentage |
| Total | 32 420 100 | 51.71 | 16 763 500 | 100.00 | 15 656 600 | 100.00 |
| Illiterate | 1 178 000 | 71.81 | 845 900 | 5.05 | 332 100 | 2.12 |
| No schooling | 4 298 600 | 57.69 | 2 479 800 | 14.79 | 1 818 800 | 11.62 |
| Primary | 10 044 600 | 52.04 | 5 227 200 | 31.18 | 4 817 400 | 30.77 |
| Secondary or intermediate | 12 084 200 | 48.80 | 5 897 400 | 35.18 | 6 186 800 | 39.52 |
| Higher vocational-technical* | 1 434 400 | 40.57 | 582 000 | 3.47 | 852 400 | 5.44 |
| First-cycle university | 1 747 100 | 56.79 | 992 100 | 5.92 | 755 000 | 4.82 |
| Second-cycle university | 1 553 700 | 45.79 | 711 400 | 4.24 | 842 300 | 5.38 |
| Third-cycle university (doctorate) | 43 300 | 25.64 | 11 100 | 0.07 | 32 200 | 0.21 |
| Other | 36 200 | 45.86 | 16 600 | 0.10 | 19 600 | 0.13 |

Source: Calculations based on data from the Survey of the Economically Active Population, fourth quarter 1997, INF National Institute of Statistics.

* FPII (and academic equivalents) and Higher-level FP, plastic arts and design teacher training modules-cycles. Prior to the publication of the fourth quarter 1997, this was called "second-level vocational training".

With regard to higher vocational training, the percentage of women has increased, from 2.60 in 1994 to 3.47 in the fourth quarter of 1997. As to the branches of vocational training (table 10.2), the majority of women are still found in the administrative and commercial branch, while men predominate in the electricity branch.

Table 10.2. Vocational training graduates, by sex and field

Academic year 1994/95

| | Total | | | First level | | | Second level | | |
|---|---|---|---|---|---|---|---|---|---|
| | Both sexes | Women | Men | Both sexes | Women | Men | Both sexes | Women | Men |
| Total number of persons enrolled | 201 593 | 104 057 | 97 536 | 105 189 | 53 460 | 51 729 | 96 404 | 50 597 | 45 807 |
| Administration and business | 90 060 | 62 960 | 27 100 | 45 545 | 32 173 | 13 372 | 44 515 | 30 787 | 13 728 |
| Agriculture | 2 792 | 590 | 2 202 | 1 540 | 301 | 1 239 | 1 252 | 289 | 963 |
| Graphic arts | 1 129 | 374 | 755 | 594 | 191 | 403 | 535 | 183 | 352 |
| Automotive industries | 10 864 | 79 | 10 785 | 6 662 | 60 | 6 602 | 4 202 | 19 | 4 183 |
| Construction | 722 | 1 430 | 630 | 264 | 18 | 246 | 458 | 74 | 384 |
| Drafting | 8 070 | 1 881 | 6 189 | 3 851 | 1 356 | 3 427 | 4 219 | 1 457 | 2 762 |
| Electrical/ electronic trades | 35 056 | 4 072 | 30 984 | 19 128 | 424 | 15 519 | 15 928 | 463 | 15 465 |
| Domestic science | 6 695 | 3 745 | 2 950 | 3 782 | 3 609 | 2 914 | 2 913 | 2 877 | 36 |
| Hotel industry and tourism | 3 860 | 1 300 | 2 560 | 2 046 | 868 | 1 741 | 1 814 | 995 | 819 |
| Audio-visual | 1 969 | 482 | 1 487 | 802 | 305 | 786 | 1 167 | 466 | 701 |
| Woodworking | 1 020 | 13 | 1 007 | 654 | 16 | 650 | 366 | 9 | 357 |
| Deep-sea fishing | 483 | 62 | 421 | 184 | 4 | 145 | 299 | 23 | 276 |
| Metalworking | 6 721 | 107 | 6 614 | 3 438 | 39 | 3 438 | 3 283 | 107 | 3 176 |
| Mining | 15 | 1 | 14 | - | - | - | 15 | 1 | 14 |
| Fashion and dressmaking | 747 | 717 | 30 | 398 | 388 | 10 | 349 | 329 | 20 |

| | Total | | | First level | | | Second level | | |
|---|---|---|---|---|---|---|---|---|---|
| | Both sexes | Women | Men | Both sexes | Women | Men | Both sexes | Women | Men |
| Hairdressing and beautician trades | 5 376 | 5 126 | 250 | 3 375 | 3 199 | 176 | 2 001 | 1 927 | 74 |
| Leather trades | 71 | 23 | 48 | 49 | 12 | 37 | 22 | 11 | 11 |
| Chemical industry | 2 167 | 1 273 | 894 | 838 | 464 | 374 | 1 329 | 809 | 520 |
| Health care | 22 924 | 19 529 | 3 395 | 11 267 | 9 799 | 1 468 | 11 657 | 9 730 | 1 927 |
| Textiles | 157 | 91 | 66 | 97 | 58 | 39 | 60 | 33 | 27 |
| Glass and ceramics | 30 | 8 | 12 | 10 | - | - | 20 | 8 | 12 |
| Not specified* | 665 | 176 | 489 | 665 | 176 | 489 | - | - | - |

Source: Estadística de la Enseñanza en España, pre-school, general basic and intermediate educational levels, Ministry of Education and Science.

* Includes all students enrolled in intervocational training.

As concerns persons enrolled at the university level (table 10.3), the latest official data are for the academic year 1995/96. Comparing these data with those submitted in the previous report, it should be noted that, despite the decrease in the number of students enrolled - due to the falling birth rate - women have increased their participation, from an overall percentage of 51.94 per cent in the academic year 1992/93 to 58.33 per cent in 1995/96.

Table 10.3. Student enrolment at university faculties and colleges, by field of study and sex, female/male ratio

| 1995-96 | Both sexes | Women | Men | Percentage of women |
|---|---|---|---|---|
| All university faculties and colleges | 832 977 | 485 867 | 347 110 | 58.33 |
| Business administration and management | 71 156 | 34 695 | 36 461 | 48.76 |
| Social and cultural anthropology | 1 188 | 870 | 318 | 73.23 |
| Fine arts | 11 806 | 7 351 | 4 455 | 62.26 |
| Biochemistry | 778 | 432 | 346 | 55.53 |
| Physical recreation and sports | 6 505 | 1 858 | 4 647 | 28.56 |
| Actuarial studies and finance | 179 | 97 | 82 | 54.19 |
| Environmental sciences | 1 063 | 516 | 547 | 48.54 |
| Biological sciences | 29 807 | 18 401 | 11 406 | 61.73 |
| Economics and business | 59 382 | 29 104 | 30 278 | 49.01 |
| Physics | 19 845 | 5 967 | 13 878 | 30.07 |
| Geological sciences | 4 717 | 1 989 | 2 728 | 42.17 |
| Mathematics | 17 994 | 9 413 | 8 581 | 52.31 |
| Political science and sociology | 4 196 | 2 594 | 1 602 | 61.82 |
| Political and management sciences | 9 300 | 5 115 | 4 185 | 55.00 |
| Chemistry | 35 960 | 20 036 | 15 924 | 55.72 |
| Information sciences | 4 751 | 2 842 | 1 909 | 59.82 |
| Marine sciences | 2 283 | 1 236 | 1 047 | 54.14 |
| Food sciences and technology | 2 119 | 1 420 | 699 | 67.01 |
| Audio-visual communication | 5 075 | 2 896 | 2 179 | 57.06 |
| Law | 200 682 | 112 212 | 88 470 | 55.92 |
| Canon law | 99 | 10 | 89 | 10.10 |
| Documentation | 688 | 510 | 178 | 74.13 |
| Economics | 30 098 | 13 472 | 16 626 | 44.76 |
| Pharmacology | 25 609 | 18 346 | 7 263 | 71.64 |
| Philology | 58 585 | 44 425 | 14 160 | 75.83 |

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| 1995-96 | Both sexes | Women | Men | Percentage of women |
|---|---|---|---|---|
| Philosophy | 7 921 | 3 306 | 4 615 | 41.74 |
| Philosophy of education | 1 269 | 937 | 332 | 73.84 |
| Geography | 4 818 | 1 947 | 2 871 | 40.41 |
| Geography and history | 22 188 | 12 742 | 9 446 | 57.43 |
| History | 14 445 | 7 058 | 7 387 | 48.86 |
| Art history | 9 076 | 6 580 | 2 496 | 72.50 |
| History and music | 83 | 58 | 25 | 69.88 |
| Humanities | 3 558 | 2 124 | 1 434 | 59.70 |
| Market research and marketing | 410 | 207 | 203 | 50.49 |
| Linguistics | 133 | 93 | 40 | 69.92 |
| Medicine | 31 779 | 19 809 | 11 970 | 62.33 |
| Odontology | 3 418 | 2 175 | 1 243 | 63.63 |
| Pedagogy | 22 348 | 17 871 | 4 477 | 79.97 |
| Journalism | 13 868 | 8 886 | 4 982 | 64.08 |
| Psychology | 56 338 | 42 075 | 14 263 | 74.68 |
| Educational psychology | 4 975 | 3 827 | 1 148 | 76.92 |
| Publicity and public relations | 6 201 | 4 318 | 1 883 | 69.63 |
| Sociology | 9 708 | 5 778 | 3 930 | 59.52 |
| Theology | 577 | 109 | 468 | 18.89 |
| Literary theory and comparative literature | 63 | 42 | 21 | 66.67 |
| Translation and interpretation | 5 024 | 4 002 | 1 022 | 79.66 |
| Veterinary medicine | 10 912 | 6 116 | 4 796 | 56.05 |

Source: Calculations based on data from the Estadística de la Enseñanza Superior en España, National Institute of Statistics.

With respect to the completion of academic studies, women university students are more successful academically than men (table 10.4), since a higher proportion of them complete their studies. According to the latest official data which are from the academic year 1994/95, 16,000 more women than men completed university studies.

Table 10.4. Students who have completed university studies, by field and sex, 1994/1995

| | Both sexes | Women | Men | Percentage of women |
|---|---|---|---|---|
| Total | 80 673 | 48 446 | 32 227 | 150.0 |
| Business administration and management | 2 921 | 1 482 | 1 439 | 103.0 |
| Social and cultural anthropology | 19 | 10 | 9 | 111.1 |
| Fine arts | 1 826 | 1 126 | 700 | 160.9 |
| Biochemistry | 99 | 61 | 38 | 160.5 |
| Physical recreation and sports | 938 | 301 | 637 | 47.3 |
| Actuarial studies and finance | 10 | 3 | 7 | 42.9 |
| Biological sciences | 2 548 | 1 530 | 1 018 | 150.3 |
| Economics and business | 11 882 | 6 006 | 5 876 | 102.2 |
| Physical sciences | 1 256 | 391 | 865 | 45.2 |
| Geological sciences | 330 | 139 | 191 | 72.8 |
| Mathematics | 1 159 | 666 | 493 | 135.1 |
| Political science and sociology | 1 399 | 711 | 688 | 103.3 |
| Political and management sciences | 30 | 7 | 23 | 30.4 |
| Chemistry | 2 531 | 1 312 | 1 219 | 107.6 |
| Information sciences | 2 996 | 1 844 | 1 152 | 160.1 |
| Marine sciences | 60 | 31 | 29 | 106.9 |
| Food sciences and technology | 129 | 99 | 30 | 330.0 |
| Audio-visual communication | 63 | 42 | 21 | 200.0 |
| Law | 17 536 | 10 174 | 7 362 | 138.2 |
| Canon law | 30 | 1 | 29 | 3.4 |
| Documentation | 17 | 7 | 10 | 70.0 |
| Economics | 1 065 | 558 | 507 | 110.1 |
| Pharmacology | 2 676 | 1 989 | 687 | 289.5 |
| Philology | 6 988 | 5 490 | 1 498 | 366.5 |
| Philosophy | 678 | 312 | 366 | 85.2 |
| Philosophy of education | 396 | 299 | 97 | 308.2 |
| Geography | 117 | 47 | 70 | 67.1 |
| Geography and history | 4 579 | 2 696 | 1 883 | 143.2 |
| History | 515 | 253 | 262 | 96.6 |
| Art history | 143 | 108 | 35 | 308.6 |
| History and music | 20 | 19 | 1 | 1 900.0 |

| | Both sexes | Women | Men | Percentage of women |
|---|---|---|---|---|
| Humanities | 83 | 45 | 38 | 118.4 |
| Market research and marketing | 44 | 30 | 14 | 214.3 |
| Linguistics | 1 | 1 | 0 | - |
| Medicine | 4 570 | 2 768 | 1 802 | 153.6 |
| Odontology | 419 | 253 | 166 | 152.4 |
| Pedagogy | 2 647 | 2 076 | 571 | 363.6 |
| Journalism | 500 | 335 | 165 | 203.0 |
| Psychology | 4 884 | 3 696 | 1 188 | 311.1 |
| Educational psychology | 297 | 244 | 53 | 460.4 |
| Publicity and public relations | 133 | 98 | 35 | 280.0 |
| Sociology | 373 | 232 | 141 | 164.5 |
| Theology | 120 | 18 | 102 | 17.6 |
| Literary theory and comparative literature | 13 | 10 | 3 | 333.3 |
| Translation and interpretation | 402 | 291 | 111 | 262.2 |
| Veterinary medicine | 1 231 | 635 | 596 | 106.5 |

Source: Calculations based on data from the Estadística de la Enseñanza Superior en España 1995/96, National Institute of Statistics.

Nine tables are annexed on changes in student enrolment at the university level (tables 10.5-10.13), which show both global and gender-disaggregated data, taking into account the type of university (public or private), age groups and branches of education, during the period 1993-99, as well as the combination of all these factors, during the academic year 1997/98. In all instances, an increase may be observed in the proportion of women.

In addition to considering the student body, the data on teaching staff are also important, showing a much more moderate increase in the number of women (table 10.14). As was the case in the previous report, women teachers still outnumber their male colleagues. Nevertheless, the participation rate of women teachers varies considerably, depending on the level. While women account for 65.35 per cent at the lower educational levels, at the university level they represent 31.09 per cent.

Table 10.5 Changes in first- and second-cycle student enrolment, by sex, type of university and centre

| Branch | Academic year | | | | | |
|---|---|---|---|---|---|---|
| | 1993-94 | 1994-95 | 1995-96 | 1996-97 | 1997-98 | 1998-99(1) |
| All universities | 1 355 616 | 1 445 322 | 1 505 611 | 1 551 969 | 1 564 176 | 1 559 600 |
| Public universities | 1 311 332 | 1 389 754 | 1 442 301 | 1 478 279 | 1 476 476 | 1 460 600 |
| University centres | | | | | 1 375 290 | |
| Ancillary public centres | | | | | 42 911 | |
| Ancillary private centres | | | | | 58 275 | |
| Private and Catholic Church universities | 47 254 | 55 568 | 63 310 | 73 690 | 87 700 | 99 000 |
| | *Index: baseline 1992/93 = 100* | | | | | |
| All universities | 100 | 106.4 | 110.8 | 114.2 | 115.1 | 114.8 |
| Public universities | 100 | 106.0 | 110.0 | 112.7 | 112.6 | 111.4 |
| University centres | | | | | 100 | |
| Ancillary public centres | | | | | 100 | |
| Ancillary private centres | | | | | 100 | |
| Private and Catholic Church universities | 100 | 117.5 | 133.9 | 155.8 | 185.5 | 209.4 |
| | *Percentage of women* | | | | | |
| All universities | 51.94 | 52.49 | 52.63 | 53.14 | 55.34 | |
| Public universities | 51.81 | 52.48 | 52.57 | 53.11 | 53.78 | |
| University centres | | | | | 53.50 | |
| Ancillary public centres | | | | | 53.45 | |
| Ancillary private centres | | | | | 60.06 | |
| Private and Catholic Church universities | 55.29 | 55.14 | 53.88 | 53.64 | 53.69 | |

(1) Projected data.

Table 10.6 Changes in first- and second-cycle student enrolment, by age group

| Age group | Academic year | | | | |
|---|---|---|---|---|---|
| | 1993-94 | 1994-95 | 1995-96 | 1996-97 | 1997-98 |
| Total | 1 358 616 | 1 445 322 | 1 505 611 | 1 551 669 | 1 564 176 |
| 18-24 years | 1 020 012 | 1 076 915 | 1 121 974 | 1 159 926 | 1 154 663 |
| 25-30 years | 218 846 | 240 271 | 249 751 | 272 756 | 270 839 |
| Over 30 years | 119 753 | 128 136 | 133 886 | 119 287 | 138 674 |
| | *Percentage* | | | | |
| Total | 100 | 100 | 100 | 100 | 100 |
| 18-24 years | 75.03 | 74.51 | 74.52 | 74.74 | 73.82 |
| 25-30 years | 16.11 | 16.62 | 16.59 | 17.57 | 17.32 |
| Over 30 years | 8.81 | 8.87 | 8.89 | 7.69 | 8.87 |

Table 10.7 Student enrolment, by type of centre and age group. Academic year 1997/98

| University | Total | Age group | | | |
|---|---|---|---|---|---|
| | | 18-24 years | 25-30 years | 31-40 years | Over 40 years |
| All universities | 1 564 176 | 1 154 663 | 270 839 | 106 122 | 32 552 |
| Public universities | 1 476 476 | 1 081 217 | 216 404 | 102 504 | 31 351 |
| University centres | 1 375 290 | 1 002 016 | 244 390 | 98 580 | 30 304 |
| Ancillary public centres | 42 911 | 32 493 | 8 078 | 1 348 | 492 |
| Ancillary private centres | 58 275 | 46 708 | 8 936 | 2 076 | 555 |
| Private and Catholic Church universities | 87 700 | 73 446 | 9 435 | 3 618 | 1 201 |

Table 10.8 Changes in student enrolment, by branch of learning

| Branch | Academic year | | | | | |
|---|---|---|---|---|---|---|
| | 1993-94 | 1994-95 | 1995-96 | 1996-97 | 1997-98 | 1998-99 (1) |
| All branches | 1 358 616 | 1 445 322 | 1 505 611 | 1 551 969 | 1 564 176 | 1 559 600 |
| Humanities | 139 090 | 136 084 | 143 930 | 155 735 | 163 964 | 166 600 |
| Social sciences and law | 713 906 | 766 198 | 790 470 | 800 381 | 785 938 | 767 000 |
| Experimental sciences | 106 029 | 117 079 | 126 088 | 129 122 | 131 565 | 131 000 |
| Health sciences | 111 661 | 110 918 | 108 361 | 110 447 | 112 908 | 113 000 |
| Technology | 283 858 | 309 980 | 329 019 | 348 477 | 358 096 | 370 000 |
| University-specific programmes | 4 072 | 5 063 | 7 744 | 7 807 | 11 804 | 12 000 |
| | *Percentage* | | | | | |
| All branches | 100 | 100 | 100 | 100 | 100 | 100 |
| Humanities | 10.24 | 9.42 | 9.56 | 10.03 | 10.48 | 10.68 |
| Social sciences and law | 52.55 | 53.01 | 52.50 | 51.57 | 50.24 | 49.18 |
| Experimental sciences | 7.80 | 8.10 | 8.37 | 8.32 | 8.41 | 8.40 |
| Health sciences | 8.22 | 7.67 | 7.20 | 7.12 | 7.22 | 7.25 |
| Technology | 20.89 | 21.45 | 21.85 | 22.45 | 22.89 | 23.72 |
| University-specific programmes | 0.30 | 0.35 | 0.51 | 0.50 | 0.75 | 0.77 |
| | *Annual percentage increase* | | | | | |
| All branches | 5.16 | 6.38 | 4.17 | 3.08 | 0.79 | -0.29 |
| Humanities | 0.85 | -2.16 | 5.77 | 12.37 | 5.28 | 1.61 |
| Social sciences and law | 4.73 | 7.32 | 3.17 | 0.62 | -1.82 | -2.40 |
| Experimental sciences | 8.22 | 10.42 | 7.69 | 2.41 | 1.89 | -0.43 |
| Health sciences | 3.58 | -0.67 | -2.31 | 1.93 | 2.23 | 0.08 |
| Technology | 7.05 | 9.20 | 6.14 | 5.61 | 2.76 | 3.32 |
| University-specific programmes | 176.07 | 24.34 | 52.95 | 0.81 | 51.20 | 1.66 |

(1) Excluding university-specific programmes.

Table 10.9 Changes in long-cycle student enrolment, by branch of learning (1)

| Branch | Academic year | | | | | |
|---|---|---|---|---|---|---|
| | 1993-94 | 1994-95 | 1995-96 | 1996-97 | 1997-98 | 1998-99 (2) |
| All branches | 905 783 | 954 667 | 996 598 | 1 019 744 | 1 009 948 | 994 000 |
| Humanities | 133 667 | 131 677 | 139 537 | 152 336 | 158 373 | 161 000 |
| Social sciences and law | 478 057 | 509 951 | 526 686 | 528 647 | 505 572 | 482 000 |
| Experimental sciences | 101 893 | 112 306 | 119 604 | 123 465 | 121 830 | 121 300 |
| Health sciences | 72 995 | 72 710 | 68 966 | 69 671 | 73 994 | 74 000 |
| Technology | 119 171 | 128 023 | 141 805 | 145 625 | 150 179 | 156 000 |
| | *Percentage* | | | | | |
| All branches | 100 | 100 | 100 | 100 | 100 | 100 |
| Humanities | 14.75 | 13.79 | 14.00 | 14.94 | 15.68 | 16.20 |
| Social sciences and law | 52.78 | 53.42 | 52.85 | 51.84 | 50.06 | 48.49 |
| Experimental sciences | 11.25 | 11.76 | 12.00 | 12.11 | 12.06 | 12.17 |
| Health sciences | 8.06 | 7.62 | 6.92 | 6.83 | 7.33 | 7.44 |
| Technology | 13.16 | 13.41 | 14.23 | 14.28 | 14.87 | 15.69 |
| | *Annual percentage increase* | | | | | |
| All branches | 3.65 | 5.40 | 4.39 | 2.32 | -0.96 | -1.58 |
| Humanities | 11.1 | -1.49 | 5.97 | 9.82 | 3.96 | 1.66 |
| Social sciences and law | 3.56 | 6.67 | 3.28 | 0.20 | -4.36 | -1.65 |
| Experimental sciences | 8.15 | 10.22 | 6.50 | 3.23 | -1.32 | -0.68 |
| Health sciences | -0.19 | -0.39 | -5.15 | 1.02 | 6.20 | 0.01 |
| Technology | 5.76 | 7.43 | 10.77 | 2.69 | 3.13 | 3.88 |

(1) Excluding university-specific programmes.

(2) Projected data.

Table 10.10 Changes in short-cycle student enrolment, by branch of learning (1)

| Branch | Academic year | | | | | |
|---|---|---|---|---|---|---|
| | 1993-94 | 1994-95 | 1995-96 | 1996-97 | 1997-98 | 1998-99 (2) |
| All branches | 448 761 | 485 592 | 501 270 | 524 418 | 542 424 | 553 600 |
| Humanities | 5 423 | 4 407 | 4 393 | 3 399 | 5 591 | 5 600 |
| Social sciences and law | 235 849 | 256 247 | 263 784 | 271 734 | 280 267 | 285 000 |
| Experimental sciences | 4 136 | 4 773 | 6 484 | 5 657 | 9 735 | 10 000 |
| Health sciences | 38 665 | 32 208 | 39 395 | 40 776 | 38 914 | 39 000 |
| Technology | 164 687 | 181 957 | 187 214 | 202 852 | 207 917 | 214 000 |
| | *Percentage* | | | | | |
| All branches | 100 | 100 | 100 | 100 | 100 | 100 |
| Humanities | 1.21 | 0.91 | 0.88 | 0.65 | 1.03 | 1.01 |
| Social sciences and law | 52.56 | 52.77 | 52.62 | 51.82 | 51.67 | 51.48 |
| Experimental sciences | 0.92 | 0.98 | 1.29 | 1.08 | 1.79 | 1.81 |
| Health sciences | 8.62 | 6.63 | 7.86 | 7.78 | 7.17 | 7.04 |
| Technology | 36.70 | 37.47 | 37.35 | 38.68 | 38.33 | 38.66 |
| | *Annual percentage increase* | | | | | |
| All branches | 7.70 | 8.21 | 3.23 | 4.62 | 3.43 | 2.06 |
| Humanities | -5.14 | -18.74 | -0.32 | -22.63 | 64.49 | 0.16 |
| Social sciences and law | 7.18 | 8.65 | 2.94 | 3.01 | 3.14 | 1.69 |
| Experimental sciences | 10.00 | 15.40 | 35.85 | -12.75 | 72.09 | 2.72 |
| Health sciences | 11.52 | -16.70 | 22.31 | 3.51 | -4.57 | 0.22 |
| Technology | 8.01 | 10.49 | 2.89 | 8.35 | 2.50 | 2.93 |

(1) Excluding university-specific programmes.

(2) Projected data.

Table 10.11 Student enrolment, by branch of learning and type of university and centre. Academic year 1997/98

| | Total | Public universities | | | | Private and Catholic Church universities |
|---|---|---|---|---|---|---|
| | | Total | Own centres | Public ancillary centres | Private ancillary centres | |
| All branches | 1 564 176 | 1 476 476 | 1 375 290 | 42 911 | 58 275 | 87 700 |
| Humanities | 163 964 | 158 083 | 156 899 | 1 055 | 129 | 5 881 |
| Social sciences and law | 785 839 | 741 573 | 668 416 | 25 242 | 47 414 | 44 266 |
| Experimental sciences | 131 565 | 129 250 | 128 572 | 678 | 0 | 2 315 |
| Health sciences | 112 908 | 103 398 | 91 981 | 5 276 | 6 141 | 9 510 |
| Technology | 358 096 | 337 262 | 323 627 | 9 702 | 3 933 | 20 834 |
| University-specific programmes | 11 804 | 6 910 | 5 795 | 457 | 658 | 4 894 |

Table 10.12 Long-cycle student enrolment, by branch of learning and type of university and centre. Academic year 1997/98

| | Total | Public universities | | | | Private and Catholic Church universities |
|---|---|---|---|---|---|---|
| | | Total | Own centres | Public ancillary centres | Private ancillary centres | |
| All branches | 1 009 948 | 953 356 | 920 619 | 10 394 | 22 343 | 56 592 |
| Humanities | 158 373 | 152 492 | 151 755 | 608 | 129 | 5 881 |
| Social sciences and law | 785 839 | 741 573 | 668 416 | 25 743 | 47 414 | 44 266 |
| Experimental sciences | 121 830 | 119 515 | 118 837 | 678 | 0 | 2 315 |
| Health sciences | 73 994 | 69 354 | 68 596 | 0 | 758 | 4 640 |
| Technology | 150 179 | 139 543 | 139 543 | 0 | 0 | 10 636 |

Table 10.13 Short-cycle student enrolment, by branch of learning and type of university and centre. Academic year 1997/98

| | Total | Public universities | | | | Private and Catholic Church universities |
|---|---|---|---|---|---|---|
| | | Total | Own centres | Public ancillary centres | Private ancillary centres | |
| All branches | 542 424 | 516 210 | 448 876 | 32 060 | 35 274 | 26 214 |
| Humanities | 5 591 | 5 591 | 5 144 | 447 | 0 | 0 |
| Social sciences and law | 280 267 | 269 121 | 226 528 | 16 635 | 25 958 | 11 146 |
| Experimental sciences | 9 735 | 9 735 | 9 735 | 0 | 0 | 0 |
| Health sciences | 38 914 | 34 044 | 23 385 | 5 276 | 5 383 | 4 870 |
| Technology | 207 917 | 197 719 | 184 084 | 9 702 | 3 933 | 10 198 |

Table 10.14 Teachers by field, level and sex, 1994/95

| | All centres | | | | Public centres | | | | Private centres | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Both sexes | Women | Men | Percentage of women | Both sexes | Women | Men | Percentage of women | Both sexes | Women | Men | Percentage of women |
| General total | 523 245 | 300 766 | 222 479 | 57.48 | 389 556 | 217 849 | 171 707 | 55.92 | 133 689 | 82 917 | 50 772 | 62.02 |
| Infant/pre-school education | 53 790 | 51 534 | 2 256 | 95.81 | 36 804 | 34 975 | 1 829 | 95.03 | 16 986 | 16 559 | 427 | 97.49 |
| Primary school/general basic education (EGB) | 193 257 | 126 286 | 66 971 | 65.35 | 138 201 | 88 041 | 50 160 | 63.71 | 55 056 | 38 245 | 16 811 | 69.47 |
| Special education | 8 269 | 6 700 | 1 569 | 81.03 | 7 537 | 6 092 | 1 445 | 80.83 | 732 | 608 | 124 | 83.06 |
| Intermediate/ secondary school education | 179 676 | 87 681 | 92 195 | 48.75 | 138 301 | 67 272 | 71 029 | 48.64 | 41 575 | 20 409 | 21 166 | 49.09 |
| Teaching of special curricula | 2 872 | 1 079 | 1 793 | 37.57 | 2 503 | 944 | 1 559 | 37.71 | 369 | 135 | 234 | 36.59 |
| Other secondary-school education (1) | 219 | 24 | 195 | 10.96 | 205 | 22 | 183 | 10.73 | 14 | 2 | 12 | 14.29 |
| Adult education | 10 711 | 4 381 | 6 330 | 40.90 | - | - | - | - | - | - | - | - |
| University education (2) | 74 251 | 23 081 | 51 170 | 31.09 | 66 005 | 20 503 | 45 502 | 31.06 | 8 246 | 2 578 | 5 668 | 31.26 |

(1) Refers to agricultural teacher training staff.

(2) Data from the academic year 1993/94.

Source: Calculations based on data from the Estadística de la Enseñanza en España 1994/95, Ministry of Education and Culture, and from the Estadística de la Enseñanza Superior en España 1993/94, National Institute of Statistics.

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Even within the university arena, where the percentage of women is lower than that of men, women are much less represented at the highest levels (table 10.15). Concretely, among university department heads, there are (according to the latest official data, from the academic year 1995/96) 1,172 women and 7,682 men.

Table 10.15 University professors, by category and sex, 1995/96

| | Both sexes | | Women | | Men | |
|---|---|---|---|---|---|---|
| | Absolutes | Percentage of women | Absolutes | Percentage | Absolutes | Percentage |
| Total | 82 951 | 32.03 | 26 568 | 100.00 | 56 383 | 100.00 |
| Department heads and Assistant department heads | 8 854 | 13.24 | 1 172 | 4.41 | 7 682 | 13.62 |
| Full professors | 34 130 | 34.88 | 11 906 | 44.81 | 22 224 | 39.42 |
| Associate professors | 27 264 | 30.93 | 8 433 | 31.74 | 18 831 | 33.40 |
| Assistant professors | 7 094 | 45.50 | 3 228 | 12.15 | 3 866 | 6.86 |
| Emeritus professors | 496 | 12.30 | 61 | 0.23 | 435 | 0.77 |
| Workshop teachers | 320 | 20.63 | 66 | 0.25 | 254 | 0.45 |
| Visiting lecturers | 701 | 29.10 | 204 | 0.77 | 497 | 0.88 |
| Others and not specified | 4 092 | 36.61 | 1 498 | 5.64 | 2 594 | 4.60 |

Source: Calculations based on data from the Estadística de la Enseñanza Superior en España 1995-96, National Institute of Statistics.

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Article 11. LABOUR MARKET

*1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:*

*(a) The right to work as an inalienable right of all human beings;*

*(b) The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;*

*(c) The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training;*

*(d) The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work;*

*(e) The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave;*

*(f) The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.*

*2. In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures:*

*(a) To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status;*

*(b) To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;*

*(c) To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities;*

*(d) To provide special protection to women during pregnancy in types of work proved to be harmful to them.*

*3. Protective legislation relating to matters covered in this article shall be reviewed periodically in the light of scientific and technological knowledge and shall be revised, repealed or extended as necessary.*

With regard to the content of this article, major reforms have been undertaken in Spain since the presentation of its third report, especially during 1998. All legal reforms aimed at guaranteeing women full access to employment, as well as the rights referred to in this article have been analysed in detail in article 2, and therefore the provisions currently in force will not be discussed here.

In addition to the legal reforms undertaken from 1996 to 1998, steps were taken with a view to the implementation of projects to guarantee women's integration in the labour market, on an equal footing with men. To that end, in addition to offering training and education in business management and work-related activities, steps have also been taken to motivate women to enter the labour market.

In cooperation with the equality offices of the autonomous communities, innovative training courses for women have been organized; the number of such courses increased from 40 in 1996 to 62 in 1998, and the number of women taking the courses rose from 880 in 1996 to 990 in 1997.

Also in cooperation with the autonomous communities and provincial and city authorities, occupational training courses have been organized; there were seven in 1997 and 30 in 1998.

Work orientation seminars were also held, in 12 cities in various autonomous communities, on job search techniques aimed at women who have had inadequate counselling in how to look for employment, or who have been absent from the labour market for a prolonged period of time and are no longer familiar with the most current and effective job search techniques.

A technical assistance programme for businesses has been developed with the assistance of the Chambers of Commerce, Industry and Shipping. In 1996, 11 offices in 11 Chambers of Commerce began operations, increasing to 30 offices in 17 Chambers of Commerce in 1998.

In 1998, the Centre for Women Working at Home began operations; it is a component of the NOW community employment initiative, and its purpose is to discover how many women work from their homes, whether that form of employment promotes women's entry into the labour market and makes it easier for them to reconcile professional and family life, or whether on the contrary, such women are in fact overburdened.

With a view to ensuring balanced participation by men and women in business, the Institute for Women's Issues is promoting the OPTIMA programme. The programme which is being implemented, in cooperation with the Organizacion Sindical de Comisiones Obreras and a series of equality organizations from the various autonomous communities, is intended to encourage businesses to set up affirmative action programmes relating to entry, promotion and the holding of management positions in order to avoid imbalances between women and men.

To that end, the Ministerial Order of 25 January 1996 created the designation "Cooperating Businesses in the area of equal opportunity between women and men"; and nine businesses have been officially recognized as such

Cooperating Businesses by resolution of the Director-General of the Institute on 3 February 1997 (Boletín Oficial del Estado of 24 March). In order to provide maximum publicity for the efforts made by these businesses, they were officially conferred that status at a public ceremony held at the Ministry of Labour and Social Affairs, by the Minister, the Secretary-General for Social Affairs and the Director-General of the Institute for Women's Issues.

In 1996 a public-awareness campaign was also undertaken in the press and on television, at the national and autonomous region levels, in which an advertisement identified those nine businesses as examples of modernity and optimal human resource management. By 1998, 30 businesses were participating in the programme.

Among the activities undertaken by the Institute for Women's Issues with a view to promoting women's entrepreneurial activities, the following are noteworthy:

1. The programme called "De emprendedora a Empresaria" (From Enterprising to Woman Entrepreneur), which the Institute is promoting in cooperation with the High Council of Chambers of Commerce, Industry and Shipping, as part of the NOW community employment initiative, and via which technical assistance, counselling, training and applied management methods are provided to women entrepreneurs and to enterprising women wishing to open a business. It should be pointed out that thanks to this programme, 454 businesses run by women have been created, and approximately 1,400 women have received specialized training, in the period 1996-1997.

2. Grants called "Emprender en Femenino" (Being a Women Entrepreneur), amounting to as much as 1 million pesetas, have been provided to women who have chosen to be self-employed by developing an activity within the framework of the New Sources of Employment programme. In the period 1994-1996, 36 grants were provided to women who had begun their activity independently or as participants in a cooperative. In 1997, 54 grants were made for a total of 38,500,000 pesetas. In 1998, such grants should total 56,500,000 pesetas.

All these efforts, along with the measures approved in the Employment Plan for 1998, have greatly changed the situation of women in the Spanish labour market. The number of women participating in economic and social life via remunerated work increased in absolute terms by almost 900,000 between 1977 and 1996, a relative increase of 25.75 per cent. That increase basically occurred since 1987, since in 1986 there were 320,000 fewer women working than in 1977. In 1995, women represented 34.77 per cent of the working population. In the second quarter of 1998, women represented 36.08 per cent of the total. The remaining 1.5 million women are considered to be unemployed according to the criteria defining working population, an unemployment rate of 26.65 per cent.

In addition, it should be pointed out that the number of employed women has been growing proportionately more than that of men. In 1997, out of a daily increase of 1,000 jobs, 446 were taken by women.

With regard to sectors of activity, the situation outlined in the third report remains unchanged: more than 80 per cent of working women are employed in the services sector, followed by the industrial sector, and then agriculture.

It should also be pointed out that female unemployment at the end of 1997 was 28.4 per cent as opposed to 16.2 per cent for men. By August of 1998, those figures had dropped to 26.65 per cent and 13.94 per cent respectively. The change in rates of employment is obvious for 1997 and 1998 as compared to 1996, and even more so in comparison to the figures provided in the third report. That is due to the labour reforms adopted in Spain in the past two years as well as to the restructuring of part-time work.

Along with such activities, reference must be made to the relevant statistics which reflect the positive change in the labour situation in Spain.

As has already been noted, more and more women are working, as is clear from the services sector, where women account for 46.06 per cent of the total working population in 1997 - as against 45.51 per cent in 1995 - and in the agricultural sector, where the proportion of women has increased significantly, from 27.20 per cent to 35.15 per cent.

This has resulted from some of the measures included in the third Plan of Action for Equal Opportunities for Women, which for the first time in Spain met the needs of rural women in an autonomous area (table 11.1).

Table 11.1. Working population, by sector of activity and gender
(in thousands)

| | Both sexes | Women | Men | Percentage of women |
|---|---|---|---|---|
| Total | 12 914.6 | 4 561.7 | 8 352.9 | 35.32 |
| Agriculture | 1 048.6 | 272.7 | 775.9 | 35.15 |
| Industry | 2 660.3 | 579.4 | 2 080.8 | 10.25 |
| Construction | 1 242.7 | 41.6 | 1 201.1 | 3.35 |
| Services | 7 963.0 | 3 668.0 | 4 295.1 | 46.06 |

Source: Developed using data from the Active Population Survey, IV Quarter 1997, INE.

There is still a smaller proportion of women in the active population (table 11.2), although there has been a gradual overall increase of 1.25 points since the fourth quarter of 1995. Most of the active women are still found in the younger age groups and in the 25-35 range. Men have higher activity rates in all the age groups, although the 1997 figures do show some changes in comparison with 1995. In the 25-29 age group, which is the one showing the highest activity rate, there has been an increase for both men and women. But the proportions are more balanced in this increase: in 1995 the figures were 73.35 per cent females and 87.97 per cent males, but in 1997 they were 75.10 and

88.50 per cent, respectively. This means an increase of 1.75 points for women and 0.53 points for men.

Table 11.2. Proportions of active population, by sex and age

Fourth quarter 1997

| | Both sexes | Women | Men |
|---|---|---|---|
| Total | 49.99 | 37.79 | 63.06 |
| 16 to 19 | 23.60 | 20.90 | 26.40 |
| 20 to 24 | 59.60 | 56.70 | 62.20 |
| 25 to 29 | 82.00 | 75.10 | 88.50 |
| 30 to 34 | 80.30 | 66.00 | 94.90 |
| 35 to 39 | 78.80 | 62.40 | 95.60 |
| 40 to 44 | 75.90 | 58.10 | 94.70 |
| 45 to 49 | 70.60 | 49.40 | 92.40 |
| 50 to 54 | 62.40 | 37.70 | 88.30 |
| 55 to 59 | 50.20 | 26.80 | 74.90 |
| 60 to 64 | 28.20 | 16.00 | 41.70 |
| 65 to 69 | 3.70 | 2.40 | 5.10 |
| 70 and older | 0.60 | 0.20 | 1.10 |

Source: Active Population Survey, INE.

The rates of employment (table 11.3) and unemployment (table 11.4) show an overall upward trend for employment and a downward trend for unemployment, although the unemployment figures are higher for women. However, there has been an increase for women from 34.80 per cent of the total emplcyed population in 1993 to 36.43 per cent at the end of 1997 and to 37.72 per cent in August 1998. All of this confirms the effectiveness of the employment measures which have been carried out in Spain since 1996.

Table 11.3 Employment rates, by sex

| | Both sexes | Women | Men |
|---|---|---|---|
| 1993 | 49.00 | 34.80 | 64.30 |
| 1994 | 49.00 | 35.60 | 63.30 |
| 1995 | 49.00 | 36.20 | 62.70 |
| 1996 | 49.60 | 37.00 | 63.10 |
| 1997* | 49.06 | 36.43 | 62.08 |

* Figures for the fourth quarter of 1997.

Source: EPA.

Total unemployment (table 11.4) has declined in Spain, although the figures have remained higher for women. The trend is nevertheless favourable. In 1993 women accounted for 29.20 per cent of the total unemployed population, but the figure had fallen to 27.99 per cent at the end of 1997 and to 26.65 per cent in August 1998.

Table 11.4. Unemployment rates by sex

| | Both sexes | Women | Men |
|---|---|---|---|
| 1993 | 22.70 | 29.20 | 19.00 |
| 1994 | 24.20 | 31.40 | 19.80 |
| 1995 | 22.90 | 30.60 | 18.20 |
| 1996 | 22.20 | 29.60 | 17.60 |
| 1997* | 20.32 | 27.99 | 15.39 |

* Figures for the fourth quarter.

Source: EPA.

A comparison of these figures with those for August 1998 (table 11.5) shows that the situation has improved considerably for women: their activity and employment rates have risen and their unemployment rate has fallen. As already pointed out, 1998 was the year in which Spain's Employment Plan was approved, in accordance with the European Union directives. The Spanish Government has thus made a big effort to facilitate and encourage women's access to the labour market, and the legal and political measures which have been adopted are proving especially effective with respect to women.

Table 11.5. Activity, employment and unemployment rates, by sex and age group

| Sex and age group | Activity rate | Unemployment rate | Employment rate |
|---|---|---|---|
| Both sexes | | | |
| Total | 49.92 | 18.91 | 40.48 |
| Under 25 | 43.90 | 35.75 | 28.21 |
| 25 and older | 51.24 | 15.75 | 43.18 |
| 16 to 19 | 23.94 | 44.55 | 13.28 |
| 20 to 24 | 58.24 | 33.15 | 38.93 |
| 25 to 54 | 75.33 | 16.63 | 62.51 |
| 55 and older | 16.04 | 9.71 | 14.48 |
| Men | | | |
| Total | 63.06 | 13.94 | 54.27 |
| Under 25 | 47.36 | 29.47 | 33.40 |
| 25 and older | 66.79 | 11.32 | 59.23 |
| 16 to 19 | 27.46 | 37.35 | 17.07 |
| 20 to 24 | 61.47 | 26.81 | 44.99 |
| 25 to 54 | 92.40 | 11.70 | 81.39 |
| 55 and older | 25.46 | 9.07 | 23.15 |
| Women | | | |
| Total | 37.72 | 26.65 | 27.67 |
| Under 25 | 40.25 | 43.56 | 22.72 |
| 25 and older | 37.21 | 22.93 | 28.68 |
| 16 to 19 | 20.29 | 53.99 | 9.33 |
| 20 to 24 | 54.78 | 40.74 | 32.46 |
| 25 to 54 | 58.42 | 24.18 | 44.52 |
| 55 and older | 8.42 | 11.28 | 7.47 |

The employed active population (table 11.6) has increased, but there are still differences between men and women. In 1997 women accounted for 35.36 per cent of the total active population and men for 64.67 per cent. In August 1998 these figures were 37.72 and 63.06 per cent respectively. Against this background, the variations for full-time and part-time work are much the same for men and women, although most part-time work is done by women.

Table 11.6. Employed active population, by type of working day and by sex. Percentages of employed active population (in thousands)

| | Both sexes | | Women | | Men | |
|---|---|---|---|---|---|---|
| Fourth quarter 1997 | Total | Percent-age | Total | Percent-age | Total | Percent-age |
| Total employed active population | 12 914.8 | 100.00 | 4 561.7 | 100.00 | 8 353.1 | 100.0 |
| Full-time | 11 868.1 | 91.90 | 3 776.9 | 82.80 | 8 091.2 | 96.86 |
| Part-time | 1 032.4 | 7.99 | 779.7 | 17.09 | 252.7 | 3.03 |
| Taking courses | 40.5 | 0.31 | 17.2 | 0.38 | 23.3 | 0.28 |
| Sickness | 7.1 | 0.05 | 1.7 | 0.04 | 5.4 | 0.06 |
| Family duties | 83.0 | 0.64 | 79.0 | 1.73 | 4.0 | 0.05 |
| Failure to find full-time job | 249.2 | 1.93 | 191.8 | 4.20 | 57.4 | 0.69 |
| Unwilling to work full-time | 42.9 | 0.33 | 39.1 | 0.86 | 3.8 | 0.05 |
| Type of work performed | 444.6 | 3.44 | 332.1 | 7.28 | 112.5 | 1.35 |
| Other reasons | 165.1 | 1.28 | 118.8 | 2.60 | 46.3 | 0.55 |
| Not classifiable | 14.3 | 0.11 | 5.1 | 0.11 | 9.2 | 0.11 |

Source: Active Population Survey, INE.

Employment may be either permanent or temporary. According to the statistics (table 11.7), the percentage of women holding temporary jobs has declined since 1995, while the percentage of men has remained at the same level. Nevertheless, it must be kept in mind that the proportion of women in the employed population is very low.

Table 11.7. Employed population holding temporary jobs, by reason for this situation and by sex. Proportions of total employed population
(in thousands)

| | Both sexes | | Women | | Men | |
|---|---|---|---|---|---|---|
| Third quarter 1997 | Total | Percentage | Total | Percentage | Total | Percentage |
| Total employed population | 9 887.1 | | 3 632.4 | | 6 254.7 | |
| Total temporary | 3 278.3 | 33.16 | 1 263.3 | 34.78 | 2 015.0 | 32.22 |
| Failure to find permanent job | 2 960.2 | 29.94 | 1 133.2 | 31.20 | 1 827.0 | 29.21 |
| Unwilling to take permanent job | 11.8 | 0.12 | 6.8 | 0.19 | 5.0 | 0.08 |
| Other reasons | 261.5 | 2.64 | 104.6 | 2.88 | 156.9 | 2.51 |
| Reason unknown | 44.8 | 0.45 | 18.8 | 0.52 | 26.0 | 0.42 |

Source: Active Population Survey, INE.

The data on the number of own-account workers in the employed population (table 11.8) show a much higher number of men. In these activities women are in the majority only under the heading "Family helper", which shows that they are doing what is often referred to as unpaid work.

The main source of waged work is the private sector, where there are many more men than women. However, this is not true of the public sector, in which the figures for men and women are in balance, as pointed out earlier.

Table 11.8. Employed population, by type of work and sex

| | Both sexes | Women | Men | Percentage women |
|---|---|---|---|---|
| Total | 12 914 700 | 4 561 800 | 8 352 900 | 35.32 |
| Own-account workers | 3 000 000 | 913 500 | 2 086 500 | 30.45 |
| Employer | 664 500 | 124 200 | 540 300 | 18.69 |
| Employer without waged employees, or own-account worker | 1 877 100 | 536 100 | 1 341 000 | 28.56 |
| Members of cooperatives | 85 700 | 28 200 | 57 500 | 32.91 |
| Family helper | 372 700 | 225 000 | 147 700 | 60.37 |
| Wage earners | 9 887 000 | 3 632 500 | 6 254 500 | 36.74 |
| Public sector | 2 261 100 | 1 036 300 | 1 222 800 | 45.92 |
| Private sector | 7 625 900 | 2 594 200 | 5 031 700 | 34.02 |
| Other jobs | 27 700 | 15 800 | 11 900 | 57.04 |

Source: Based on data of the Active Population Survey, fourth quarter 1997, INE.

Lastly, in order to eliminate discrimination against women and render their family responsibilities compatible with their working life, Spanish legislation allows the possibility of maternity or paternity leave. However, in practice it is almost always women who take advantage of this kind of leave (table 11.9).

Table 11.9. Employed population not working in the week of reference, and maternity/paternity leave

| | Both sexes | Women | Men | Percentage women |
|---|---|---|---|---|
| Total employed population not working in the week of reference | 492 700 | 221 200 | 271 600 | 44.90 |
| Maternity/paternity leave | 29 900 | 29 900 | 0 | 100.00 |
| Percentage maternity/paternity leave | 6.07 | 13.52 | 0.00 | |

Source: Based on data of the Active Population Survey, second quarter 1997, INE.

Article 12. HEALTH CARE

*1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health-care services, including those related to family planning.*

*2. Notwithstanding the provisions of paragraph 1 of this article, States Parties shall ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.*

Programmes of action in the health-care field were conducted following the guidelines contained in the Third Plan of Action for Equal Opportunity for Women. In 1998, the Comprehensive Women's Health Care Plan was adopted, with the goal of improving the health of women throughout their life cycle, strengthening and expanding some services which might fall short and promoting the activities carried out by the INSALUD centres (National Health Institute, Ministry of Health).

The activities are organized in four fields:

1. Prevention of gynaecological cancers. While there is a low incidence of cervical cancer in Spain, (4-10 cases per 100,000 women in 1997), breast cancer is the leading cause of cancer deaths among women, with a mortality rate of 28.2 per 100,000 women. In this area, the goal is to offer advisory services and also prevention and treatment for this type of cancer and to increase the effectiveness of women's health-care programmes.

2. Pregnancy, childbirth and post-partum care. Maternal mortality is very low in Spain, about 12 deaths per year on average. The National Health Institute offers pregnancy, childbirth and post-partum care to all women who visit its health services. In primary health care, maternity services coverage was 35.4 per cent in 1996 and had reached 77.5 per cent in 1997. The objectives are to maintain the very low maternal mortality rate and increase the use of epidural analgesics in childbirth.

3. Information and follow-up on contraceptives. The National Health Institute offers a service of follow-up and information on contraceptive methods as part of its of primary health-care services. In 1996, coverage had reached 12.2 per cent; in 1997, it had increased to 17 per cent. The objectives include promoting responsible motherhood and desired pregnancy, providing information on contraceptive methods and lowering the number of intentional terminations of pregnancy.

4. Care for women going through menopause. Some 80 per cent of women experience it without the need for medical care, and therefore, activities in this area are aimed at promoting healthy habits and lifestyles and preventing problems related to this phase.

Together with the Comprehensive Women's Health Care Plan, activities were carried out in collaboration with other institutions to promote health education and train health-care professionals from a gender perspective. The following activities, which took place between 1996 and 1998, are mainly new since the previous report.

1. Activities in collaboration between the Institute for Women's Issues and health care and social institutions:

1.1 Framework cooperation agreement and Special Agreement with the National Institute of Health (INSALUD) for the purpose of establishing a framework for cooperation and collaboration to develop women's health activities in the areas of promotion, cure and rehabilitation:

- a day-long meeting for heads of training units in primary health care;
- courses on "Women's health and primary health care";
- courses on "Adolescent health".

1.2 Framework agreement and Special Agreement with the Ministry of Health and Consumer Affairs covering the following activities:

- An HIV/AIDS prevention programme for women. The purpose of the programme is to raise the awareness of health-care personnel of the specific prevention and health-care needs of women who visit HIV/AIDS health centres.
- An HIV/AIDS prevention programme for youth. The purpose of this programme is to train professionals to teach young women and promote healthy habits and safe sex.
- Revision and updating of the "Women and AIDS" health guide. The content of this guide, which was first published by the Institute for Women's Issues in 1993, was revised.
- Preparation of a guide "Women and Eating Disorders". This attempts to identify the factors underlying this type of disorder, to list the symptoms, the psychological and social mechanisms at work, to describe the consequences and to suggest ways of making better use of existing personal and social resources.

1.3 Special Agreement with the Carlos III Institute (National School of Health) to conduct training in respect of teaching methods, and the development of joint research into women's health:

- Introduction and expansion of the modules on gender and health in the curriculum of the National School of Health.
- Meetings of health care professionals on gender and health for the purpose of analysing various women's health-care programmes from a gender perspective, reviewing the experience with intervention in

primary and specialized health care and reviewing the factors that contribute to the perpetration of gender stereotypes by health-care personnel.

2. As for activities in the health-care field conducted outside the agreements, during the period 1996-1998 the following new activities took place:

2.1 Creation of a working group of experts on gender and health within the university community with the purpose of facilitating the exchange of information and experiences among experts, promoting the analysis of gender in health education and research within the university community, and determining avenues of work and research to pursue.

2.2 Development of educational materials. Translation into Spanish of the journal Entre Nous, published by the Sexual and Family Health Programme of the WHO Regional Office for Europe.

2.3 Participation in forums to disseminate the gender implications of women's health.

2.4 Participation in the National Commission for Assisted Reproduction, established in 1997.

3. Available statistical data relating to the changing situation of women includes the following:

Concerning life expectancy by sex at various ages, the latest official data for Spain are from 1994 (table 12.1). According to the data contained in this table, women have a longer life expectancy than men at all ages, taking into account the major health problems for women which were referred to in connection with the Comprehensive Plan of the National Health Institute.

Table 12.1. Life expectancy by sex at various ages

Year: 1994

Source: National Institute for Statistics.

Mortality tables for the population of Spain 1994-1995

| Age | Women | Men | Difference |
|---|---|---|---|
| 0 year | 81.51 | 74.35 | 7.16 |
| 1 year | 80.94 | 73.83 | 7.11 |
| 5 years | 77.04 | 69.94 | 7.10 |
| 10 years | 72.10 | 65.01 | 7.09 |
| 15 years | 67.15 | 60.07 | 7.08 |
| 20 years | 62.22 | 55.25 | 6.97 |
| 25 years | 57.32 | 50.53 | 6.79 |
| 30 years | 52.47 | 45.93 | 6.54 |
| 35 years | 47.65 | 41.46 | 6.19 |
| 40 years | 42.84 | 36.91 | 5.93 |
| 45 years | 38.07 | 32.38 | 5.69 |
| 50 years | 33.36 | 27.99 | 5.37 |
| 55 years | 28.73 | 23.74 | 4.99 |
| 60 years | 24.20 | 19.73 | 4.47 |
| 65 years | 19.81 | 16.01 | 3.80 |
| 70 years | 15.63 | 12.61 | 3.02 |
| 75 years | 11.78 | 9.62 | 2.16 |
| 80 years | 8.43 | 7.04 | 1.39 |
| 85 years | 5.74 | 5.01 | 0.73 |
| 90 years | 3.74 | 3.47 | 0.27 |
| 95 years | 2.06 | 2.01 | 0.05 |

Table 12.2 shows the total number of intentional terminations of pregnancy for 1996 (51,002), broken down by age and reason for termination; this figure is up from the 47,832 cases in 1994 mentioned in the previous report. The reasons cited are: maternal health (49,896, compared to 44,716 in 1993); risk to the

foetus (1,046, as against 720 in 1993); and, finally, rape (11, as compared to 15 in 1993).

Table 12.3 gives the corresponding figures for 1987 through 1995, and the percentage distribution by age. The highest incidence of abortion is found in the 20 to 24 years age group (26.8 per cent of the total number of cases for 1995), followed by the 25 to 29 age group (22.15 per cent of cases for 1995).

There has been a significant increase in abortions among adolescents between 15 and 19 years old, from 6,272 in 1993 to 7,211 in 1996.

With regard to AIDS cases, fewer women than men are affected. As is clear from table 12.4, the number of cases reported has increased each year, bearing in mind that not all cases have been reported. As to the current situation (table 12.5), the data show that the difference in numbers between women and men is more marked than in previous years (9,773 and 41,506 respectively as of 30 June 1998). In 1998, the total number of cases among women, according to the national AIDS registry, had climbed to 9,773, the greatest incidence being in the 25 to 29 age group, followed by the 30 to 34 age group.

Table 12.6 shows the drinking habits of the population aged over 16 years, by sex, age and level of education. It should be noted that, between 1987 and 1993, the percentage of the female population which did not consume alcohol rose from 42.4 per cent to 50.3 per cent, while the percentage of women who drank excessively dropped from 0.6 per cent to 0.4 per cent.

In 1997, according to excerpts from a national survey on health (table 12.7) the situation improved: alcohol consumption declined due, in part, to an increase in sports and the adoption of healthy lifestyles.

Table 12.8, which shows the percentage of the population aged 16 years and over, that smokes, broken down by sex, age and level of education for the years 1987 and 1993, shows that smoking has increased among women; in 1997, according to excerpts from that same survey (table 12.9), this increase has been maintained.

Table 12.10 shows that between 1987 and 1994, the use of opiates or cocaine increased among women, rising from 23.7 per cent in 1987 to 27.5 per cent in 1994. The latest data, from 1996 (table 12.11) shows that the total number of admissions to treatment centres for the abuse of this type of substance was much lower for women 15 per cent of the total, compared with 84.5 per cent for men. And, with regard to drug-related deaths (table 12.12), the percentages remained similar to those in 1996. Of the six cities in Spain that were monitored, women accounted for 12.4 per cent of total deaths from this cause and men for 87.6 per cent.

Finally, data are included on the total number of deaths by cause and sex in 1995 (latest official data, table 12.13), as well as data on average hospital stay by age and sex for the same year (table 12.14).

Table 12.2. National total of intentional terminations of pregnancy by age and reason for termination

Year: 1996

Source: Ministry of Health and Consumer Affairs, Office of Public Health

Intentional termination of pregnancy, final data for 1996

| | Reason for termination (legal) | | | | | |
|---|---|---|---|---|---|---|
| Age | Mother's health | Risk to foetus | Rape | Other reasons | Not stated | Total |
| Under 15 | 98 | 0 | 2 | 0 | 0 | 100 |
| 15-19 years | 7 177 | 28 | 3 | 0 | 3 | 7 211 |
| 20-24 years | 13 505 | 98 | 1 | 2 | 10 | 13 616 |
| 25-29 years | 10 895 | 266 | 3 | 4 | 6 | 11 174 |
| 30-34 years | 8 745 | 361 | 2 | 6 | 5 | 9 119 |
| 35-39 years | 6 553 | 217 | 0 | 3 | 8 | 6 781 |
| 40-44 years | 2 657 | 68 | 0 | 2 | 0 | 2 727 |
| Over 44 | 266 | 8 | 0 | 0 | 0 | 274 |
| Total | 49 896 | 1 046 | 11 | 17 | 32 | 51 002 |

Table 12.3. Intentional termination of pregnancy: total and percentage distribution by age, 1987-1995

| | 1987 | 1988 | 1989 | 1990 | 1991 | 1992 | 1993 | 1994 | 1995 |
|---|---|---|---|---|---|---|---|---|---|
| Total | 16 766 | 26 069 | 30 552 | 37 231 | 41 910 | 44 962 | 45 503 | 47 832 | 49 367 |
| *Percentage* | | | | | | | | | |
| Under 15 years | 0.11 | 0.19 | 0.19 | 0.16 | 0.16 | 0.22 | 0.18 | 0.20 | 0.23 |
| 15-19 years | 12.41 | 12.96 | 14.11 | 13.21 | 12.82 | 13.64 | 13.63 | 13.79 | 13.86 |
| 20-34 years | 28.64 | 28.06 | 27.13 | 26.88 | 27.71 | 26.79 | 27.32 | 26.70 | 26.86 |
| 25-29 years | 22.35 | 21.89 | 21.83 | 21.66 | 21.34 | 22.05 | 22.46 | 22.15 | 22.15 |
| 30-34 years | 17.61 | 17.38 | 17.35 | 17.91 | 17.70 | 17.80 | 17.53 | 18.01 | 17.84 |
| 35-39 years | 12.87 | 13.18 | 12.58 | 13.38 | 12.76 | 13.14 | 12.78 | 13.09 | 12.94 |
| 40-44 years | 5.28 | 5.62 | 6.15 | 6.16 | 5.89 | 5.70 | 5.49 | 5.49 | 5.55 |
| Over 44 years | 0.51 | 0.48 | 0.52 | 0.64 | 0.63 | 0.67 | 0.61 | 0.57 | 0.57 |
| Not known | 0.23 | 0.23 | 0.05 | – | – | – | – | – | – |

Table 12.4. Number of new cases of AIDS reported, by year and sex 1981-1996

| | Total[1] | 1981-1986 | 1987 | 1988 | 1989 | 1990 | 1991 | 1992 | 1993 | 1994 | 1995 | 1996[2] |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Both sexes[3] | 41 598 | 730 | 1 065 | 2 335 | 3 091 | 3 791 | 4 420 | 4 889 | 5 248 | 6 878 | 6 225 | 2 802 |
| Men | 33 801 | 613 | 883 | 1 838 | 2 584 | 3 117 | 3 601 | 3 967 | 4 252 | 5 534 | 4 995 | 2 230 |
| Women | 7 792 | 117 | 192 | 397 | 507 | 674 | 817 | 921 | 995 | 1 344 | 1 230 | 572 |

[1] Includes cases where year is not indicated.

[2] Data as of 30 September.

[3] Includes cases where sex is not indicated.

Source: National AIDS Registry (National Epidemiological Centre, Carlos III Health Institute).

Table 12.5. National total number of AIDS cases by age and sex

Updated: 30 June 1998

Source: National AIDS Registry

| Age | Women | Men | Total |
|---|---|---|---|
| under 1 year | 182 | 185 | 367 |
| 1-2 years | 98 | 105 | 203 |
| 3-4 years | 63 | 52 | 115 |
| 5-9 years | 53 | 76 | 129 |
| 10-12 years | 12 | 42 | 54 |
| 13-14 years | 6 | 34 | 40 |
| 15-19 years | 91 | 296 | 387 |
| 20-24 years | 1 160 | 2 946 | 4 106 |
| 25-29 years | 3 111 | 10 473 | 13 584 |
| 30-34 years | 2 816 | 12 701 | 15 517 |
| 35-39 years | 1 189 | 6 832 | 8 021 |
| 40-44 years | 396 | 3 089 | 3 485 |
| 45-49 years | 175 | 1 827 | 2 002 |
| 50-54 years | 114 | 991 | 1 105 |
| 55-59 years | 102 | 705 | 807 |
| 60 and over | 169 | 964 | 1 133 |
| Age unknown | 36 | 188 | 224 |
| Total | 9 773 | 41 506 | 51 284* |

* Includes six cases in which sex is not recorded.

Table 12.6. Drinking habits among the population aged over 16 years by sex, age and level of education, 1987 and 1993

(Rate per 100 in each group)

| | Both sexes | | Men | | Women | |
|---|---|---|---|---|---|---|
| | 1987 | 1993 | 1987 | 1993 | 1987 | 1993 |
| Population not using alcohol | | | | | | |
| Total | 30.7 | 37.6 | 18.2 | 23.7 | 42.4 | 50.3 |
| By age | | | | | | |
| 16-24 years | 19.7 | 30.0 | 13.1 | 22.4 | 26.4 | 37.9 |
| 25-44 years | 21.7 | 29.1 | 12.7 | 17.3 | 30.8 | 40.5 |
| 45-64 years | 36.8 | 41.0 | 19.9 | 25.3 | 51.8 | 55.2 |
| 65 years and over | 55.5 | 58.9 | 38.2 | 38.7 | 68.6 | 73.2 |
| By level of education | | | | | | |
| No degree | 44.1 | 59.2 | 25.2 | 37.8 | 56.8 | 71.3 |
| First level | 29.1 | 38.4 | 17.8 | 23.9 | 39.8 | 51.0 |
| Second level | 19.9 | 27.6 | 13.7 | 19.5 | 27.1 | 37.5 |
| Third level | 19.8 | 21.3 | 14.2 | 17.5 | 27.5 | 26.4 |
| Abusers of alcohol | | | | | | |
| Total | 3.9 | 2.7 | 7.4 | 5.3 | 0.6 | 0.4 |
| By age | | | | | | |
| 16-14 years | 3.5 | 2.0 | 5.9 | 3.6 | 1.1 | 0.3 |
| 25-44 years | 4.8 | 3.3 | 8.9 | 6.0 | 0.7 | 0.7 |
| 45-64 years | 4.2 | 3.4 | 8.7 | 6.7 | 0.3 | 0.4 |
| 65 years and over | 1.5 | 1.1 | 3.1 | 2.6 | 0.3 | 0.1 |
| By level of education | | | | | | |
| No degree | 4.5 | 2.9 | 10.7 | 7.4 | 0.4 | 0.3 |
| First level | 3.7 | 3.0 | 7.3 | 6.1 | 0.3 | 0.3 |
| Second level | 4.0 | 2.4 | 6.1 | 3.9 | 1.4 | 0.7 |
| Third level | 2.3 | 1.7 | 3.7 | 2.7 | 0.4 | 0.4 |

Table 12.7. Alcohol consumption among the population aged 16 years and over: percentage distribution by sex and age

Year: 1997

Source: Ministry of Health and Consumer Affairs

Excerpt from the National Survey on Health in Spain, 1997

| Year 1997 | Yes | No | No response |
|---|---|---|---|
| Total (N = 6.573) | 52.3 | 47.5 | 0.1 |
| **by sex** | | | |
| Women (N = 3.390) | 36.6 | 63.3 | 0.1 |
| Men (N = 3.183) | 69.1 | 30.7 | 0.1 |
| **by age** | | | |
| 16-24 years (N = 1.257) | 55.1 | 44.7 | 0.2 |
| 25-44 years (N = 2.331) | 61.7 | 38.2 | 0.1 |
| 45-64 years (N = 1.822) | 50.2 | 49.8 | 0.0 |
| 65-74 years (N = 738) | 36.0 | 63.9 | 0.1 |
| 75 years and over (N = 408) | 29.6 | 69.9 | 0.5 |

Table 12.8. Smoking habits among the population aged 16 years and over by sex, age and level of education, 1987 and 1993

(Rate per 100 inhabitants)

| | Both sexes | | Men | | Women | |
|---|---|---|---|---|---|---|
| | 1987 | 1993 | 1987 | 1993 | 1987 | 1993 |
| Non-smokers | | | | | | |
| Total | 61.6 | 63.7 | 44.9 | 51.2 | 77.1 | 75.6 |
| By age | | | | | | |
| 16-24 years | 48.2 | 56.7 | 45.5 | 54.6 | 51.0 | 59.0 |
| 25-44 years | 51.1 | 49.6 | 35.8 | 38.6 | 66.4 | 60.5 |
| 45-64 years | 72.0 | 72.0 | 46.0 | 53.0 | 94.9 | 89.7 |
| 65 years and over | 84.7 | 88.6 | 66.2 | 75.3 | 98.2 | 98.2 |
| By level of education | | | | | | |
| No degree | 75.7 | 80.8 | 48.3 | 59.1 | 93.6 | 93.7 |
| First level | 61.4 | 64.2 | 42.7 | 48.9 | 79.0 | 77.8 |
| Second level | 48.7 | 54.3 | 42.8 | 49.9 | 55.7 | 60.0 |
| Third level | 49.5 | 56.7 | 47.7 | 55.4 | 51.9 | 58.4 |
| Population smoking 20 or more cigarettes per day | | | | | | |
| Total | 17.4 | 16.0 | 29.7 | 24.9 | 6.1 | 7.7 |
| By age | | | | | | |
| 16-24 years | 16.9 | 14.1 | 22.6 | 18.3 | 11.2 | 9.8 |
| 25-44 years | 24.7 | 24.4 | 39.7 | 35.3 | 9.8 | 13.6 |
| 45-64 years | 15.0 | 14.0 | 30.4 | 25.1 | 1.6 | 3.7 |
| 65 years and over | 5.8 | 3.3 | 13.2 | 7.0 | 0.3 | 0.6 |
| By level of education | | | | | | |
| No degree | 12.5 | 9.4 | 29.3 | 21.1 | 1.6 | 2.4 |
| First level | 18.1 | 16.5 | 31.8 | 27.1 | 5.3 | 7.1 |
| Second level | 19.9 | 18.7 | 27.9 | 24.2 | 10.5 | 11.9 |
| Third level | 23.7 | 18.1 | 29.0 | 21.9 | 16.6 | 13.0 |

Table 12.9. Tobacco consumption among the population aged over 16 years: percentage distribution by sex and age

Year: 1997

Source: Ministry of Health and Consumer Affairs

Excerpt from the National Health Survey for Spain, 1997

| Year 1997 | Smokes daily | Smokes but not daily | Does not smoke but has smoked | Non-smoker, never smoked | No response |
|---|---|---|---|---|---|
| Total (N = 5.599) | 33.1 | 2.6 | 15.0 | 49.2 | 0.1 |
| **By sex** | | | | | |
| Women (N = 3.399) | 24.7 | 2.5 | 7.9 | 64.8 | 0.1 |
| Men (N = 3.200) | 42.1 | 2.7 | 22.5 | 32.6 | 0.1 |
| **By age** | | | | | |
| 16-24 years (N = 1.262) | 35.2 | 4.5 | 5.0 | 55.2 | 0.1 |
| 25-44 years (N = 2.345) | 49.3 | 3.0 | 14.3 | 33.2 | 0.1 |
| 45-64 years (N = 1.830) | 25.9 | 1.6 | 18.1 | 54.3 | 0.1 |
| 65-74 years (N = 734) | 10.3 | 1.3 | 21.0 | 67.5 | 0.0 |
| 75 years and over (N = 408) | 7.1 | 0.8 | 25.3 | 66.3 | 0.5 |

Table 12.10. Emergencies related to the use of opiates or cocaine, 1987-1994

Average age and percentage distribution by age group

| | 1987 | 1988 | 1989 | 1990 | 1991 | 1992 | 1993 | 1994 |
|---|---|---|---|---|---|---|---|---|
| Average age | | | | | | | | |
| Total | 24.2 | 24.9 | 25.3 | 26.0 | 26.6 | 27.0 | 27.6 | 28.1 |
| Men | 24.2 | 25.1 | 25.5 | 26.1 | 26.8 | 27.7 | 27.8 | 28.2 |
| Women | 23.7 | 24.1 | 24.6 | 25.3 | 26.0 | 26.3 | 27.0 | 27.5 |
| Percentage by age groups | | | | | | | | |
| Under 15 years | 0.1 | 0.1 | 0.1 | 0.1 | 0.1 | 0.1 | 0.2 | - |
| 15-19 years | 11.0 | 10.4 | 9.5 | 8.0 | 7.1 | 6.3 | 5.5 | 5.1 |
| 20-24 years | 49.8 | 40.4 | 37.7 | 33.0 | 28.8 | 27.1 | 24.3 | 22.2 |
| 25-29 years | 29.0 | 34.9 | 35.3 | 37.4 | 37.4 | 36.3 | 35.4 | 35.5 |
| 30-34 years | 7.6 | 10.4 | 13.2 | 16.2 | 19.4 | 21.9 | 24.0 | 25.1 |
| 35-39 years | 2.1 | 3.0 | 3.3 | 4.1 | 0.2 | 6.2 | 8.5 | 9.0 |
| 40-44 years | 0.2 | 0.5 | 0.6 | 0.8 | 1.5 | 1.6 | 1.5 | 2.3 |
| 45 years and over | 0.2 | 0.2 | 0.3 | 0.3 | 0.5 | 0.5 | 0.6 | 0.7 |

Source: State Information System on Drug Addiction.

Table 12.11. Cases admitted for treatment for drug abuse, by sex

(Absolute number and percentage)

Year: 1996

Source: National Drug Control Plan, State Information System on Drug Addiction, 1996 report

| Reported admissions | Women (Percentage) | Men (Percentage) |
|---|---|---|
| 52 890 | 15.5 | 84.5 |

Table 12.12. Deaths from acute reaction to the consumption of psychoactive substances, by sex

(Absolute number and percentage)

Year: 1996

Source: National Drug Control Plan, State Information System on Drug Addiction, 1996 report

| Year 1996 | Number of deaths | Women (Percentage) | Men (Percentage) |
|---|---|---|---|
| Six cities* | 429 | 14.8 | 85.2 |
| Other areas | 221 | 7.7 | 92.3 |
| Total | 650 | 12.4 | 87.6 |

* The cities monitored by S.E.I.T. are: Barcelona, Bilbao, Madrid, Sevilla, Valencia and Zaragoza.

Table 12.13. Total number of deaths, by cause and sex

Year: 1995

Source: INE, deaths by cause 1995

| Groups of causes of death | | Women | Men | Total |
|---|---|---|---|---|
| 01-99 | All causes | 161 739 | 184 488 | 346 227 |
| 01-18 | Infectious and parasitical disease | 2 023 | 2 324 | 4 347 |
| 19-45 | Tumours | 33 963 | 55 530 | 89 493 |
| 46-49 | Disease of the endocrine glands Nutritional, metabolic and immune disorders | 7 979 | 8 532 | 16 411 |
| 50-51 | Blood diseases and diseases of the haematopoietic system | 821 | 720 | 1 541 |
| 52-55 | Mental illness | 6 080 | 3 313 | 9 393 |
| 56-60 | Diseases of the nervous system and sensory organs | 3 276 | 2 956 | 6 232 |
| 61-69 | Diseases of the circulatory system | 71 884 | 59 826 | 131 710 |
| 70-73 | Diseases of the respiratory system | 12 710 | 20 614 | 33 324 |
| 74-77 | Diseases of the digestive system | 7 971 | 10 381 | 18 352 |
| 78-80 | Diseases of the genito-urinary system | 3 433 | 3 474 | 6 907 |
| 81-84 | Complications of pregnancy, childbirth and the postpartum period | 11 | - | 11 |
| 85 | Skin diseases and diseases of the subcutaneous cellular layer | 405 | 181 | 586 |
| 86 | Diseases of the osteomuscular system and connective tissue | 2 074 | 761 | 2 835 |
| 87 | Congenital anomalies | 561 | 614 | 1 175 |
| 88-89 | Certain conditions originating during the perinatal period | 380 | 468 | 866 |
| 90 | Undefined signs and symptoms | 3 826 | 2 891 | 6 717 |
| 91-99 | External trauma | 4 442 | 11 883 | 16 325 |

Table 12.14. Average hospital stay, by age and sex

Year: 1995

Source: INE, Survey on Hospital Morbidity

| Age | Women | Men | Average |
|---|---|---|---|
| Under 1 year | 8 | 8 | 8 |
| 1-4 years | 5 | 4 | 5 |
| 5-14 years | 5 | 5 | 5 |
| 15-24 years | 6 | 7 | 6 |
| 25-34 years | 5 | 10 | 6 |
| 35-44 years | 7 | 10 | 8 |
| 45-54 years | 9 | 12 | 11 |
| 55-64 years | 11 | 13 | 12 |
| 65-74 years | 14 | 14 | 14 |
| 75 years and over | 16 | 14 | 15 |
| Average | 9 | 11 | 10 |

Article 13. BANK LOANS, FAMILY BENEFITS, LEISURE AND RECREATION

*States Parties shall take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women, the same rights, in particular:*

*(a) The right to family benefits;*

*(b) The right to bank loans, mortgages and other forms of financial credit;*

*(c) The right to participate in recreational activities, sports and all aspects of cultural life.*

As has been noted under other articles, language providing for equality and non-discrimination is incorporated into the Constitution. This facilitates the subsequent realization of equality of opportunities between men and women in all specific fields.

With regard to bank loans, mortgages and other forms of financial credit, Spanish women face no restrictions at this time, with the exception of those that apply to all citizens regardless of sex. In 1998 a cooperation agreement was signed with a national bank in order to facilitate soft loans for women wishing to start their own businesses in any field.

As far as recreational activities and sports are concerned, there are socialization processes which have a negative impact on the harmonious relations between men and women, and which must therefore be addressed starting at an early age and throughout the educational process. In order to overcome these deficiencies, which involve clear discrimination based on sex, the Third Plan of Action for Equal Opportunities for Women includes in its objective 1.4 the promotion of women's participation in physical exercise and sports.

The available data on participation in physical exercise show that women participate to a far lesser degree than men. According to the latest national health survey, the percentages of women who do not exercise (45.4 per cent) or who do so occasionally (39.6 per cent) are greater than those for men (33.7 per cent and 38.4 per cent, respectively). On the other hand, 14.5 per cent of women engage in physical activity several times a month or several times a week, as compared with 27.2 per cent of men.

These differences in sports participation are due to sexual stereotypes that are sometimes fostered by the family or the school; thus, their disappearance must be promoted by educational institutions and the various social agents that have a direct impact on the formation of particular attitudes.

As to the percentages, a clear decline can be observed in women's participation in sports if the 1995 data (table 13.1) are compared with those contained in the third periodic report. Nevertheless, this difference is not

real, since the survey population was larger in 1993 (21,028 persons) than in 1995 (8,323 persons).

Table 13.1. Physical exercise in free time, by sex

| | Both sexes | Women | Men |
|---|---|---|---|
| Total | 100.0 | 100.0 | 100.0 |
| Sedentary (no exercise) | 39.7 | 45.4 | 33.7 |
| Occasional physical or sports activity | 39.0 | 39.5 | 38.4 |
| Regular physical activity several times a month | 12.7 | 9.5 | 16.1 |
| Physical training several times a week | 8.0 | 5.0 | 11.1 |
| No reply | 0.7 | 0.6 | 0.7 |
| Number in sample | 8 323 | 4 246 | 4 077 |

Source: Calculations based on data from the 1995 National Health Survey, Ministry of Health and Consumer Affairs.

In order to promote sports activity among women, an agreement was signed with the Secretariat of Sports of the Ministry of Education and Culture, based on a preliminary report on women's participation in sports within Spanish territory. This is the first time that sports activity has been analysed by sex in Spain.

At the same time, a programme is being carried out within the school system to encourage secondary schools, as well as the autonomous communities, to promote both an increase in the number of women in sports and sports activity among women.

With regard to other aspects of cultural life, the Institute for Women's Issues has participated, in collaboration with the General Society of Spanish Authors, in the Maria Teresa León Competition, which awards a prize to women in theatre. It has also financed dance scholarships for young women in collaboration with the Alicia Alonso School of Dance.

Article 14. RURAL WOMEN

*1. States Parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetized sectors of the economy, and shall take all appropriate measures to ensure the application of the provisions of the present Convention to women in rural areas.*

*2. States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right:*

*(a) To participate in the elaboration and implementation of development planning at all levels;*

*(b) To have access to adequate health care facilities, including information, counselling and services in family planning;*

*(c) To benefit directly from social security programmes;*

*(d) To obtain all types of training and education, formal and non-formal, including that relating to functional literacy, as well as, inter alia, the benefit of all community and extension services, in order to increase their technical proficiency;*

*(e) To organize self-help groups and cooperatives in order to obtain equal access to economic opportunities through employment or self-employment;*

*(f) To participate in all community activities;*

*(g) To have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes;*

*(h) To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.*

The Institute for Women's Issues has chosen as one of its priority aims the promotion and enhancement of greater participation by rural women in the labour market, leading to greater equality of opportunity, with a view to encouraging the growth of female employment and training. For this reason, the Third Plan of Action for Equal Opportunities for Women includes a separate area devoted to rural women.

A. In line with this, the Institute for Women's Issues, during the period 1995-1997, carried out the project "Now Network: Support for rural women's initiatives" as part of the community employment and human resources initiative, NOW II.

The project was carried out in the 10 autonomous communities covered by objective 1, namely, in the Autonomous Communities of Andalusia, Asturias, the Canary Islands, Cantabria, Castilla-La Mancha, Castilla y León, Extremadura, Galicia, Murcia and Valencia.

The main objective was to promote professional training, employment and entrepreneurial initiative among rural women. In order to fulfil these objectives, the following actions were accomplished:

- Coordination and development of an interregional network consisting of 16 NOW projects carried out in rural areas of the 10 autonomous communities classified under objective 1;

- Training courses for professionals providing services to the 16 NOW Network projects;

- Technical assistance to entrepreneurial women or those who have started up businesses in rural areas;

- Preparation of a study on the socioprofessional profiles and personal trajectories of women in rural areas.

B. Project "GEA Network: entrepreneurial initiatives among rural women (1998-1999)", carried out by the Institute for Women's Issues; the NOW projects in all the public agencies responsible for the equal-opportunity policies of the autonomous communities covered by objective 1 and the National Federation of Rural Women are affiliated with this project. The project, which is being executed during the period from January 1996 to December 1999, is aimed at ensuring adequate coordination of the technical resources and tools which the projects affiliated with the GEA Network will make available for entrepreneurial initiatives sponsored by women. The aim of the project is to facilitate such initiatives, which will strengthen and enhance the employment of a larger number of rural women. The project execution activities are as follows:

- Establishment of a support network which can generate a set of technical resources and tools for women.

- Development of training tools, the purpose of which is to transmit learning with a view to job creation and the strengthening of entrepreneurial initiatives. The training is targeted both to trainers (male and female) and to women in each area.

- A competition which awards prizes to outstanding entrepreneurial projects with a view to stimulating the creation of enterprises in rural areas.

- In order to overcome local deficiencies, preparation of a directory of experts to provide technical assistance to entrepreneurial women.

- Establishment of a database on entrepreneurial initiatives in order to optimize information exchanges and cooperation between enterprises.

- Preparation of a study on possible new sources of employment in the areas in which the network is being established.

- The holding of a European congress, with the participation of public and private entities, social agents and rural women, is planned for the end of 1999.

The framework of action for this project is the territory of the autonomous communities covered by objective 1 and the National Federation of Rural Women, thus encompassing the territorial scope of all the provinces of the autonomous communities of Andalusia, Asturias, the Canary Islands, Cantabria, Castilla-La Mancha, Castilla y León, Extremadura, Galicia, Murcia and Valencia.

In 1998 an agreement was signed with the Ministry of Agriculture for the training of women farmers and rural women; in 1998, first-time financing was provided for the holding of a rural women's fair, with natural products made by women; and support is being provided for the establishment of a national rural women's cooperative.

Article 15. WOMEN AND JUSTICE

*1. States Parties shall accord to women equality with men before the law.*

*2. States Parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals.*

*3. States Parties agree that all contracts and all other private instruments of any kind with a legal effect which is directed at restricting the legal capacity of women shall be deemed null and void.*

*4. States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile.*

This article and article 2 have been implemented and followed up jointly, with the aim of carrying out all the legislative reforms necessary to ensure equal opportunities for women and men and non-discrimination on the grounds of sex.

In this connection, and in accordance with the Third Plan of Action for Equal Opportunities for Women, the following objectives have been established:

1. Promotion and development of legislation with a view to achieving equality of women with men before the law;

2. Follow-up of national and European Union legislation and of the case law of the various tribunals, and the handling of complaints filed by women, with the aim of preventing discriminatory treatment on the grounds of sex; and

3. Awareness-building among legal and social personnel.

In order to achieve these objectives, the following activities have been carried out:

With regard to normative development and parliamentary activities, first of all, legal reports have been prepared. In this connection, the preliminary draft of an act guaranteeing family support payments has been elaborated. This preliminary draft act responds to the need to ensure financial protection in the most serious situations affecting the family unit, caused by the non-payment of family support, on the basis of the constitutional mandate contained in article 39 concerning the full protection of children irrespective of their filiation.

At the same time, a draft royal decree has been prepared on the structure and functioning of the Governing Council of the Institute for Women's Issues. This law amends the provisions of Royal Decrees 758/1996 of 5 May and 839/1996 of 10 May, which align the composition of the Governing Council of the Institute

for Women's Issues with the restructuring of various ministerial departments, including that of the Ministry of Labour and Social Affairs, and, at the same time, enhances the Council's operational capacity.

Coupled with those specific actions is the draft legislation indicated, as follows:

- draft royal decree on the establishment of the State Council on Non-governmental Organizations for Social Welfare;

- draft royal decree adopting prison regulations;

- draft royal decree governing the utilization of electric, telematic and computer techniques by the national Government;

- draft royal decree on donors and users in assisted reproduction;

- draft royal decree on technical requirements for the licensing of assisted reproduction centres;

- draft Act of the Autonomous Community of Catalonia on alimony payments among relatives;

- the proposed act governing the intentional termination of pregnancy, submitted by the Izquierda Unida-Iniciativa per Catalunya (IU-IC) and Socialist parliamentary groups;

- the proposed act on public-interest associations;

- introduction of an additional provision designed to ensure the regular and improved monitoring of advertising.

The dissemination of legislation is supplemented by parliamentary activities. In this connection, international proposals and some of those being considered in the European Court of Justice have been publicized. In the first case, and without attempting to give an exhaustive account of all the activities carried out, reports were issued in order to ensure equality and non-discrimination in, inter alia, the implementation in Spain of Convention No. 100 of the International Labour Organization (ILO) concerning Equal Remuneration for Men and Women Workers for Work of Equal Value; the proposed directive on reversing the burden of proof in cases of discrimination on the grounds of sex; the reform of the Treaty on European Union with regard to the principle of equal treatment for men and women; European Union Directive 96/34 of 3 June 1996 on the framework agreement on parental leave; article 2 of the European Social Charter on maternity protection as regards dismissal; the implementation of the Community Charter of the Fundamental Social Rights of Workers; as well as the guarantee of equality in Spain in implementing the recommendation on the balanced participation of women and men in decision-making; the guarantee of equality in the proposed directive regarding parental leave; the guarantee of equality between boy and girl children in the elaboration of the draft optional protocol to the Convention on the Rights of

the Child; and the enforcement of non-discrimination in accordance with General Assembly resolutions 50/167 and 50/168 on violence against women.

In addition, a reply has been sent to the pretrial questions which the European Court of Justice submitted to the Spanish State for its opinion with respect to cases of discrimination on the grounds of sex brought before that Court by citizens of other member countries of the European Union.

The various pretrial questions were mainly in reference to the interpretation of article 119 of the Treaty on the European Union with regard to equal remuneration.

As indicated, together with legislative and parliamentary information activities, the Institute for Women's Issues, in keeping with one of the functions ascribed to it under its charter, has handled the administrative aspects of complaints of discrimination on the grounds of sex, which were submitted to it by citizens or by entities.

The complaints filed related mainly to instances of discrimination in employment, such as unfavourable working conditions (wages, working days, transfers, etc.) in comparison to male workers carrying out functions of equal value, sexual harassment, and dismissal in the case of pregnant workers. There were also complaints relating to sports and to the image conveyed by advertisements in the mass media, processed by the publicity monitoring unit of the Institute for Women's Issues.

Nonetheless, these actions would not be complete without a programme of awareness-building, dissemination and community service. Regarding the latter, the Institute has responded to letters dealing with such issues as family, labour, employment, abuse, domestic violence, social security and widow's pensions.

Special day-long events, largely co-financed by the European Union, have been held in the various autonomous communities for the purpose of disseminating national and European Union social security legislation. In addition to these dissemination forums which have been held throughout the Spanish territory, information and training days have been organized for social workers and law enforcement officers in order to guarantee the enforcement of non-discrimination on the grounds of sex.

Article 16. MARRIAGE

*1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:*

*(a) The same right to enter into marriage;*

*(b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent;*

*(c) The same rights and responsibilities during marriage and at its dissolution;*

*(d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;*

*(e) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;*

*(f) The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount;*

*(g) The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation;*

*(h) The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.*

*2. The betrothal and the marriage of a child shall have no legal effect and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.*

The content of article 16 of the Convention is guaranteed by the Spanish Constitution. The text of the Constitution establishes, in article 32, that "men and women are entitled to marry on a basis of full legal equality" and that "the law shall regulate the forms of marriage, the age at which it may be entered into and the required capacity therefor, the rights and duties of the spouses, the grounds for separation and dissolution, and the consequences thereof".

In this regard, the Spanish marriage system has been undergoing reform since 1981. According to statistics, most Spaniards marry in their 20s, mostly between the ages of 25 and 30; in fact, 39.22 per cent of women and 47.12 per cent of men marry between the ages of 25 and 29 years. However, women

usually enter into marriage at a younger age than men. Indeed, women account for 80.98 per cent of those who marry under 20 years of age and 62.37 per cent of those who do so between 20 to 24 years of age. On the other hand, those who enter into marriage at 25 years of age or older are predominantly men.

It must also be pointed out that the number of separations and divorces has gradually increased over the past 15 years. According to the most recent statistics, 48.9 per cent of divorces and separations take place by mutual agreement and 51.1 per cent on legal grounds.

In any case, Spanish legislation guarantees the implementation of the constitutional mandates of article 32; it does not currently discriminate against women either with regard to the legal procedures for marriage, separation or divorce or with regard to the treatment of children, whether legitimate or natural.

With regard to the registration of names, a proposed act to amend article 109 of the Civil Code is currently being considered; once adopted, it will enable parents, under specified conditions, to decide by mutual agreement at the time of registration that the mother's name should precede the father's name.

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